

1 LUKE C. ZOUVAS (SBN 216154)
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3 SAN DIEGO, CA 92106
4 (619) 300-6971
5 LZOUVAS@ZOUVASLAW.COM

6 **IN PRO PER**

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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES SECURITIES
11 AND EXCHANGE
12 COMMISSION,

CASE NO. 16CV0998 CAB DHB
[PROPOSED] OPINION AND ORDER

13 Plaintiff,

14 v.

15 LUKE C. ZOUVAS, et al.

16 Defendants.
17

18 Defendant, Luke C. Zouvas, hereby answers the Complaint (“Complaint”) of
19 Plaintiff, Securities and Exchange Commission (“Plaintiff”) as follows:

20 **Introduction**

21 1. Answering Paragraph 1 of the Complaint, Defendant denies the
22 allegations.

23 2. Answering Paragraph 2 of the Complaint, Defendant denies the
24 allegations.

25 3. Answering Paragraph 3 of the Complaint, Defendant denies the
26 allegations.

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Defendant and Related Entities and Individuals

4. Answering Paragraph 4 of the Complaint, Defendant is without knowledge sufficient to admit or deny the allegations, and therefore denies them.

5. Answering Paragraph 5 of the Complaint, Defendant is without knowledge sufficient to admit or deny the allegations, and therefore denies them.

6. Answering Paragraph 6 of the Complaint, Defendant is without knowledge sufficient to admit or deny the allegations, and therefore denies them.

7. Answering Paragraph 7 of the Complaint, Defendant is without knowledge sufficient to admit or deny the allegations, and therefore denies them.

8. Answering Paragraph 8 of the Complaint, Defendant is without knowledge sufficient to admit or deny the allegations, and therefore denies them.

9. Answering Paragraph 9 of the Complaint, Defendant is without knowledge sufficient to admit or deny the allegations, and therefore denies them.

10. Answering Paragraph 10 of the Complaint, Defendant is without knowledge sufficient to admit or deny the allegations, and therefore denies them.

Jurisdiction and Venue

11. Answering Paragraph 11 of the Complaint, Defendant admits that the Court has subject matter jurisdiction over this matter.

12. Answering Paragraph 12 of the Complaint, Defendant admits that the Court has personal jurisdiction over him. Without waiving his right to assert that another venue is more appropriate, Defendant admits that this District is a proper venue.

13. Answering Paragraph 13 of the Complaint, Defendant denies the allegations.

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Factual Background

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2 14. Answering Paragraph 14 of the Complaint, Defendant is
3 without knowledge sufficient to admit or deny the allegations, and therefore denies
4 them.

5 15. Answering Paragraph 15 of the Complaint, Defendant is without
6 knowledge sufficient to admit or deny the allegations, and therefore denies them.

7 16. Answering Paragraph 16 of the Complaint, Defendant is without
8 knowledge sufficient to admit or deny the allegations, and therefore denies them.

9 17. Answering Paragraph 17 of the Complaint, Defendant is without
10 knowledge sufficient to admit or deny the allegations, and therefore denies them.

11 18. Answering Paragraph 18 of the Complaint, Defendant is without
12 knowledge sufficient to admit or deny the allegations, and therefore denies them.

13 19. Answering Paragraph 19 of the Complaint, Defendant denies the
14 allegations.

15 20. Answering Paragraph 20 of the Complaint, Defendant is without
16 knowledge sufficient to admit or deny the allegations, and therefore denies them.

17 21. Answering Paragraph 21 of the Complaint, Defendant is without
18 knowledge sufficient to admit or deny the allegations, and therefore denies them.

19 22. Answering Paragraph 22 of the Complaint, Defendant is without
20 knowledge sufficient to admit or deny the allegations, and therefore denies them.

21 23. Answering Paragraph 23 of the Complaint, Defendant is without
22 knowledge sufficient to admit or deny the allegations, and therefore denies them.

23 24. Answering Paragraph 24 of the Complaint, Defendant denies the
24 allegations.

25 25. Answering Paragraph 25 of the Complaint, Defendant is
26 without knowledge sufficient to admit or deny the allegations, and therefore denies
27 them.

28 26. Answering Paragraph 26 of the Complaint, Defendant is without
knowledge sufficient to admit or deny the allegations, and therefore denies them.

1 27. Answering Paragraph 27 of the Complaint, Defendant is without
2 knowledge sufficient to admit or deny the allegations, and therefore denies them.

3 28. Answering Paragraph 28 of the Complaint, Defendant is without
4 knowledge sufficient to admit or deny the allegations, and therefore denies them.

5 29. Answering Paragraph 29 of the Complaint, Defendant is without
6 knowledge sufficient to admit or deny the allegations, and therefore denies them.

7 30. Answering Paragraph 30 of the Complaint, Defendant is without
8 knowledge sufficient to admit or deny the allegations, and therefore denies them.

9 31. Answering Paragraph 31 of the Complaint, Defendant is without
10 knowledge sufficient to admit or deny the allegations, and therefore denies them.

11 32. Answering Paragraph 32 of the Complaint, Defendant is without
12 knowledge sufficient to admit or deny the allegations, and therefore denies them.

13 33. Answering Paragraph 33 of the Complaint, Defendant is without
14 knowledge sufficient to admit or deny the allegations, and therefore denies them.

15 34. Answering Paragraph 34 of the Complaint, Defendant is without
16 knowledge sufficient to admit or deny the allegations, and therefore denies them.

17 35. Answering Paragraph 35 of the Complaint, Defendant is without
18 knowledge sufficient to admit or deny the allegations, and therefore denies them.

19 36. Answering Paragraph 36 of the Complaint, Defendant denies the
20 allegations.

21 37. Answering Paragraph 37 of the Complaint, Defendant is without
22 knowledge sufficient to admit or deny the allegations, and therefore denies them.

23 38. Answering Paragraph 38 of the Complaint, Defendant denies the
24 allegations.

25 39. Answering Paragraph 39 of the Complaint, Defendant is without
26 knowledge sufficient to admit or deny the allegations, and therefore denies them.

27 40. Answering Paragraph 40 of the Complaint, Defendant denies the
28 allegations.

 41. Answering Paragraph 41 of the Complaint, Defendant denies the
allegations.

1 42. Answering Paragraph 42 of the Complaint, Defendant denies the
2 allegations in the first and second sentences. Defendant is without knowledge
3 sufficient to admit or deny the allegations, and therefore denies them.

4 43. Answering Paragraph 43 of the Complaint, Defendant is without
5 knowledge sufficient to admit or deny the allegations, and therefore denies them.

6 44. Answering Paragraph 44 of the Complaint, Defendant is without
7 knowledge sufficient to admit or deny the allegations, and therefore denies them.

8 45. Answering Paragraph 45 of the Complaint, Defendant is without
9 knowledge sufficient to admit or deny the allegations, and therefore denies them.

10 46. Answering Paragraph 46 of the Complaint, Defendant is without
11 knowledge sufficient to admit or deny the allegations, and therefore denies them.

12 47. Answering Paragraph 47 of the Complaint, Defendant is without
13 knowledge sufficient to admit or deny the allegations, and therefore denies them.

14 48. Answering Paragraph 48 of the Complaint, Defendant is without
15 knowledge sufficient to admit or deny the allegations, and therefore denies them.

16 49. Answering Paragraph 49 of the Complaint, Defendant is without
17 knowledge sufficient to admit or deny the allegations, and therefore denies them.

18 50. Answering Paragraph 50 of the Complaint, Defendant denies the
19 allegations.

20 51. Answering Paragraph 51 of the Complaint, Defendant denies the
21 allegations.

22 52. Answering Paragraph 52 of the Complaint, Defendant denies the
23 allegations.

24 53. Answering Paragraph 53 of the Complaint, Defendant denies the
25 allegations.

26 54. Answering Paragraph 54 of the Complaint, Defendant denies the
27 allegations.

28 55. Answering Paragraph 55 of the Complaint, Defendant is without
knowledge sufficient to admit or deny the allegations, and therefore denies them.

1 56. Answering Paragraph 56 of the Complaint, Defendant is without
2 knowledge sufficient to admit or deny the allegations, and therefore denies them.

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4 57. Answering Paragraph 57 of the Complaint, Defendant denies the
5 allegations.

6 58. Answering Paragraph 58 of the Complaint, Defendant is without
7 knowledge sufficient to admit or deny the allegations, and therefore denies them.

8 59. Answering Paragraph 59 of the Complaint, Defendant denies them.

9 60. Answering Paragraph 60 of the Complaint, Defendant is without
10 knowledge sufficient to admit or deny the allegations, and therefore denies them.

11 61. Answering Paragraph 61 of the Complaint, Defendant is without
12 knowledge sufficient to admit or deny the allegations, and therefore denies them.

13 62. Answering Paragraph 62 of the Complaint, Defendant is without
14 knowledge sufficient to admit or deny the allegations, and therefore denies them.

15 63. Answering Paragraph 63 of the Complaint, Defendant is without
16 knowledge sufficient to admit or deny the allegations, and therefore denies them.

17 64. Answering Paragraph 64 of the Complaint, Defendant is without
18 knowledge sufficient to admit or deny the allegations, and therefore denies them.

19 65. Answering Paragraph 65 of the Complaint, Defendant is without
20 knowledge sufficient to admit or deny the allegations, and therefore denies them.

21 66. Answering Paragraph 66 of the Complaint, Defendant denies the
22 allegations.

23 67. Answering Paragraph 67 of the Complaint, Defendant is without
24 knowledge sufficient to admit or deny the allegations, and therefore denies them.

25 68. Answering Paragraph 68 of the Complaint, Defendant is without
26 knowledge sufficient to admit or deny the allegations, and therefore denies them.

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1 69. Answering Paragraph 69 of the Complaint, Defendant is
2 without knowledge sufficient to admit or deny the allegations, and therefore denies
3 them.

4 70. Answering Paragraph 70 of the Complaint, Defendant is without
5 knowledge sufficient to admit or deny the allegations, and therefore denies them.

6 71. Answering Paragraph 71 of the Complaint, Defendant is without
7 knowledge sufficient to admit or deny the allegations, and therefore denies them.

8 72. Answering Paragraph 72 of the Complaint, Defendant is without
9 knowledge sufficient to admit or deny the allegations, and therefore denies them.

10 73. Answering Paragraph 73 of the Complaint, Defendant is without
11 knowledge sufficient to admit or deny the allegations, and therefore denies them.

12 74. Answering Paragraph 74 of the Complaint, Defendant is without
13 knowledge sufficient to admit or deny the allegations, and therefore denies them.

14 75. Answering Paragraph 75 of the Complaint, Defendant is without
15 knowledge sufficient to admit or deny the allegations, and therefore denies them.

16 **Count 1**

17 76. Answering Paragraph 76 of the Complaint, to the extent any
18 response is required, Defendant denies the allegations.

19 77. Answering Paragraph 77 of the Complaint, Defendant denies the
20 allegations.

21 78. Answering Paragraph 78 of the Complaint, Defendant denies the
22 allegations.

23 **Count 2**

24 79. Answering Paragraph 79 of the Complaint, to the extent any response is
25 required, Defendant denies the allegations.
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1 Plaintiff. Moreover, nothing stated herein is intended or shall be construed as an
2 acknowledgement that any particular issue or subject matter necessarily is relevant
3 to Plaintiff's allegations.

4 **First Affirmative Defense**

5 Plaintiff's claims are barred, in whole or in part, because Defendant relied
6 upon the representations of his clients and third parties. Defendant had no reason to
7 believe any representations made by client's at the time were anything other than
8 factual representations upon which Defendant relied upon.

9 **Second Affirmative Defense**

10 To the extent Plaintiff's claims arise from events that allegedly occurred
11 prior to April 25, 2011, Plaintiff's claims are barred by limitations. Specifically,
12 Plaintiff alleges certain facts occurred in 2010, and then alleges that Defendant
13 violated the securities laws from "no later than December 2011 through at least
14 December 2012."

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17 **PRAYER**

18 WHEREFORE, Defendants pray for judgment as follows:

- 19
- 20 1. That Plaintiff takes nothing by way of the Complaint;
 - 21 2. That the Complaint be dismissed with prejudice and judgment
22 entered in favor of Defendant;
 - 23 3. That Defendant be awarded his costs, disbursements and attorneys'
24 fees in this action; and
 - 25 4. For such other and further relief as this Court deems just and proper.
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DATED: December 5, 2016 LUKE C. ZOUVAS

By /s/ Luke C. Zouvas
Luke C. Zouvas
In Pro Per

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN DIEGO
FEDERAL RULE CIVIL PROCEDURE 5(b)

I, the undersigned, hereby certify that I am a citizen of the United States and over the age of eighteen; I work in the County of San Diego, California, in which County the within mailing took place; and I am not a party to the subject case. My business address is 2907 Shelter Island Dr., Ste 105

I am familiar with the practice of this law firm for the collection and processing of documents for mailing with the United States Postal Service, that the documents would be deposited with the United States Postal Service that same day in the ordinary course of business.

On December 9, 2016, I placed the within document(s) described as:

REPLY TO OPPOSITION TO MOTION TO DISMISS

BY MAIL: I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon full prepaid at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

VIA FACSIMILE TRANSMISSION: I caused the above-described document(s) to be transmitted to the offices of the interested parties at the facsimile number(s) indicated on the attached Service List and the activity report(s) generated by facsimile number indicated all pages were transmitted.

BY ELECTRONIC FILING AND/OR SERVICE: I caused the above-described document(s) to be to be electronically served on designated recipients listed on the attached Service List through the Court's electronic filing system.

BY FEDERAL EXPRESS: I served such envelope or package to be delivered by FedEx Overnight service in an envelope or package designated by the FedEx carrier.

BY PERSONAL SERVICE: I caused such envelope(s) to be delivered by hand to the office(s) of the addressee(s).

BY ELECTRONIC MAIL: I personally emailed this document to the offices of the interested parties indicated on the attached Service List.

Executed on December 9, 2016, at San Diego, California 92101.

/s/ Luke C. Zouvas
LUKE C. ZOUVAS

SERVICE LIST

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