

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-CV-22643-COOKE/GOODMAN

FEDERAL ELECTION COMMISSION,

Plaintiff,

v.

DAVID RIVERA,

Defendant.

DEFENDANT'S ANSWER TO THE AMENDED COMPLAINT

Comes now, DAVID RIVERA, by and through his undersigned counsel, and files this answer to plaintiff's amended complaint, and states the following:

1. Defendant denies the allegations contained in paragraph 1.

Jurisdiction and Venue

2. Defendant is without knowledge as to the allegations contained in paragraph 2.
3. Defendant is without knowledge as to the allegations contained in paragraph 3.
4. Defendant admits in part the allegations contained in paragraph 4. Defendant admits that venue is properly found in the United States District Court for the Southern District of Florida. Defendant is without knowledge as to where any acts or omissions occurred.

The Parties

5. Defendant is without knowledge regarding the allegations contained in paragraph 5.

6. Defendant admits in part and denies in part the allegations contained in paragraph 6. Defendant admits all facts alleged in the paragraph except he denies having made contributions to his campaign and having received contributions totaling \$254,900.00. Furthermore, defendant denies having loaned the campaign \$150,000.00.

Relevant Statutory and Regulatory Provisions

7. Defendant is without knowledge as to the allegations contained in paragraph 7.
8. Defendant is without knowledge as to the allegations contained in paragraph 8.
9. Defendant is without knowledge as to the allegations contained in paragraph 9.
10. Defendant is without knowledge as to the allegations contained in paragraph 10.
11. Defendant is without knowledge as to the allegations contained in paragraph 11.

Factual Background

12. Defendant admits the allegations contained in paragraph 12.
13. Defendant denies the allegations contained in paragraph 13.
14. Defendant denies the allegations contained in paragraph 14.
15. Defendant denies the allegations contained in paragraph 15.
16. Defendant denies the allegations contained in paragraph 16.
17. Defendant denies the allegations contained in paragraph 17.
18. Defendant denies the allegations contained in paragraph 18.
19. Defendant denies the allegations contained in paragraph 19.
20. Defendant is without knowledge as to whether Sternad signed and mailed multiple disclosure reports to FEC as the treasure of the Sternad committee. Defendant is without knowledge

whether the reports failed to accurately disclose the source of the contributions described in paragraphs 13 to 19. Defendant denies all remaining allegations contained in paragraph 20.

21. Defendant is without knowledge as to the allegations contained in paragraph 21.

22. Defendant is without knowledge as to the allegations contained in paragraph 22.

23. Defendant is without knowledge as to the allegations contained in paragraph 23, but denies the part that alleges defendant helped Alliegro flee the country.

24. Defendant denies the allegations contained in paragraph 24.

25. Defendant denies the allegations contained in paragraph 25.

Administrative Proceedings

26. Defendant denies the allegations contained in paragraph 26.

27. Defendant is without knowledge as to the allegations contained in paragraph 27, except that defendant admits the Commission notified him of its “reason to believe” findings in a letter date dated September 11, 2013.

28. Defendant admits the allegations contained in paragraph 28.

29. Defendant denies the allegations contained in paragraph 29.

30. Defendant is without knowledge as to the allegations contained in paragraph 30.

31. Defendant denies the allegations contained in paragraph 31.

32. Defendant is without knowledge as to the allegations contained in paragraph 32.

33. Defendant denies the allegations contained in paragraph 33.

First Cause of Action

34. Defendant restates his answers to those allegations contained in paragraphs 1 through 33 as if set forth fully herein.

35. Defendant denies the allegations contained in paragraph 35.

Prayer for Relief

36. Defendant hereby requests this Court enter judgment in favor of the defendant and against plaintiff and award defendant all costs, legal fees, and such other relief as may be appropriate.

Affirmative Defenses

The defendant hereby asserts and alleges the following affirmative defenses to the claims set forth in plaintiff's complaint:

First Affirmative Defense

Plaintiff has failed to state a claim upon which relief may be granted (*i.e.* failed to state a cause of action) with respect to the above allegations.

Second Affirmative Defense

Plaintiff's purported claims for relief are barred in whole or in part by the doctrine of laches. Plaintiff intentionally and without just cause, permitted an unreasonable delay in pursuing its claim against the defendant.

Third Affirmative Defense

Plaintiff is entitled to no relief due to the amended complaint having been filed beyond the five (5) year statute of limitations.

Reservation of Right to Supplement Defenses

The facts having not been fully developed, defendant reserves the right to supplement his answer with any additional affirmative defenses that might later become known.

Demand for Jury Trial

Defendant hereby demands that any and all issues raised in this cause shall be resolved by jury trial.

Respectfully submitted,

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/s/ Roy J. Kahn
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **June 14, 2019**, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record.

/s/ Roy J. Kahn
ROY J. KAHN