

1 HERBERT SACHS, ESQ.
Nevada Bar No. 2785
2 602 South 10th Street
Las Vegas, NV 89101
3 (702) 387-0400
Attorney for Defendant
4 KIMTRAN RIZZOLO

5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

7 KIRK and AMY HENRY,)
8)
9)
10 Plaintiffs,)

11 vs.)

Case No. 2:08-cv-635-PMP-GWF

12 FREDRICK RIZZOLO, aka RICK)
13 RIZZOLO, an individual; LISA)
14 RIZZOLO, individually and as trustee of)
15 the Lisa M. Rizzolo Separate Property)
16 Trust and as successor trustee of The Rick)
17 J. Rizzolo Separate Property Trust; THE)
18 RICK AND LISA RIZZOLO FAMILY)
19 TRUST; THE RICK J. RIZZOLO)
20 SEPARATE PROPERTY TRUST; THE)
21 LISA M. RIZZOLO SEPARATE)
PROPERTY TRUST; THE RLR TRUST;)
22 THE LMR TRUST; KIMTRAN)
23 RIZZOLO, an individual.)
24)
25 Defendants.)
26)
27)
28)

22 **DEFENDANT KIMTRAN RIZZOLO'S ANSWER TO PLAINTIFF'S THIRD AMENDED**
23 **COMPLAINT**

25 COMES NOW Defendant, KIMTRAN RIZZOLO, by and through her attorney of record,
26 HERBERT SACHS, ESQ., and for her Answer to Plaintiff's Third Amended Complaint on file states
27 as follows:
28

PARTIES

1 **FIRST:** Defendant denies any knowledge or information sufficient to form a belief
2 as to each and every allegation contained in that Paragraph of Plaintiff's third amended
3 complaint marked and numbered 1, 2, 4, 5, 6, 7 and 8.
4

5 **SECOND:** Defendant admits each and every allegation contained in that paragraph of
6 Plaintiff's third amended complaint marked and numbered 3.

7 **JURISDICTION AND VENUE**

8 **THIRD:** The Defendant, KIM RIZZILO, repeats and realleges paragraphs 1 through 2
9 as though fully set forth herein.
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11 **FOURTH:** Defendant denies each and every allegation contained in that paragraph of
12 Plaintiff's third amended complaint marked and numbered 9 and 10.
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14 **GENERAL ALLEGATIONS**

15 **FIFTH:** The Defendant, KIMTRAN RIZZOLO, repeat and realleges paragraphs 1
16 through 4 as though fully set forth herein.
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18 **SIXTH:** Defendant denies any knowledge or information sufficient to form a belief
19 as to each and every allegation contained in that Paragraph of Plaintiff's third amended
20 complaint marked and numbered 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and
21 28.
22

23 **SEVENTH:** Defendant denies each and every allegation contained in that paragraph of
24 Plaintiff's third amended complaint marked and numbered 29.
25

26 **EIGHTH:** Defendant admits that portions of Plaintiff's third amended complaint
27 marked and numbered 27, which alleges that When Bartholomew Rizzolo passed away in or
28 about March 2010, Defendant Kimtran Rizzolo succeeded him as the recipient of the monthly

1 payments from the Philadelphia transaction until the assignment of proceeds was fulfilled in or
2 about October 2010, and denies any knowledge or information sufficient to form a belief as to
3 the entire remaining portion of Plaintiff's third amended complaint marked and number 27.

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5 **FIRST CAUSE OF ACTION**

6 **(Violation of the Uniform Fraudulent Transfer Act)**

7 **NINTH:** The Defendant, KIMTRAN RIZZOLO, repeat and reallege paragraphs 1
8 through 8 as though fully set forth herein.

9
10 **TENTH:** Defendant denies each and every allegation contained in that paragraph of
11 Plaintiff's third amended complaint marked and numbered 31 and 32.

12 **ELEVENTH:** Defendant denies any knowledge or information sufficient to form
13 a belief as to each and every allegation contained in that Paragraph of Plaintiff's third amended
14 complaint marked and numbered 33.

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16 **AS AND FOR A FIRST DEFENSE**

17 **TWELFTH:** The time permitted for Defendant to commence a lawsuit has expired.

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19 **AS AND FOR A SECOND DEFENSE**

20 **THIRTEENTH:** Defendant was not served with notices as required by statute.

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22 **AS AND FOR A THIRD DEFENSE**

23 **FOURTEENTH:** Any harm allegedly suffered by Plaintiff was caused by its own
24 actions.

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AS AND FOR A FOURTH DEFENSE

FIFTEENTH: Any harm allegedly suffered by Plaintiff was caused by persons, firms or corporations other than Defendant.

WHEREFORE, Defendant demands judgement dismissing Plaintiff's complaint together with costs, disbursements, attorney fees and for such other and further relief as to this Court may deem just and proper.

Dated this 2ND Day of September, 2011.

By: /s/ Herbert Sachs
HERBERT SACHS, ESQ.
602 South 10th Street
Las Vegas, NV 89101
(702) 387-0400
Attorney for Defendant
KIMTRAN RIZZOLO

CERTIFICATE OF MAILING

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Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Law Firm of HERBERT SACHS, and that on the 2nd day of September, 2011, I deposited for mailing at Las Vegas, Nevada, a true copy of the Amended Answer in regard to the above entitled matter addressed as follows:

CAMPBELL & WILLIAMS
DONALD J. CAMPBELL, ESQ.
PHILLIP R. ERWIN, ESQ.
700 South Seventh Street
Las Vegas, Nevada 89101

and

HUNTERTON & ASSOCIATES
C. STANLEY HUNTERTON, ESQ.
333 S. Sixth Street
Las Vegas, Nevada 89101

Attorneys for Plaintiff

An Employee of the Law Firm of Herbert Sachs