

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 3:11-cv-00357-MOC-DCK

FILED
CHARLOTTE, NC

JAN 23 2012

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

K-BEECH, INC.,)
)
Plaintiff,)
)
vs.)
)
CHRISTOPHER SCRUGGS,)
KARRI JASKE and MATTHEW BOES,)
)
Defendants.)

**ANSWER OF
DEFENDANT, MATTHEW BOES**

COMES NOW the Defendant, Matthew Boes, and answers the substantive portions of the Amended Complaint as follows:

FIRST DEFENSE

The Defendant, Matthew Boes, moves the court pursuant to N.C. Gen. Stat. §1A-1, Rule 12(b)(1), Rule 12(b)(2), Rule 12(b)(4), and Rule 12(b)(6) to dismiss the Plaintiff's Amended Complaint for lack of jurisdiction over the subject matter, lack of jurisdiction over the person, insufficiency of service of process, and failure to state a claim upon which relief can be granted.

SECOND DEFENSE

1. The Defendant Matthew Boes denies the allegations contained in Paragraph 1 of the Amended Complaint.
2. The Defendant Matthew Boes denies the allegations contained in Paragraph 2 of the Amended Complaint.
3. The Defendant Matthew Boes denies the allegations contained in Paragraph 3 of the Amended Complaint.
4. The Defendant Matthew Boes denies the allegations contained in Paragraph 4 of the Amended Complaint.
5. The Defendant Matthew Boes denies the allegations contained in Paragraph 5 of the Amended Complaint.
6. The Defendant Matthew Boes denies the allegations contained in Paragraph 6 of the Amended Complaint.

7. The Defendant Matthew Boes denies the allegations contained in Paragraph 7 of the Amended Complaint.

8. The Defendant Matthew Boes denies the allegations contained in Paragraph 8 of the Amended Complaint.

9. The Defendant Matthew Boes admits the allegations contained in Paragraph 9 of the Amended Complaint.

10. The Defendant Matthew Boes denies the allegations contained in Paragraph 10 of the Amended Complaint.

11. The Defendant Matthew Boes denies the allegations contained in Paragraph 11 of the Amended Complaint.

12. The Defendant Matthew Boes denies the allegations contained in Paragraph 12 of the Amended Complaint.

13. The Defendant Matthew Boes denies the allegations contained in Paragraph 13 of the Amended Complaint.

14. The Defendant Matthew Boes denies the allegations contained in Factual Background I. Paragraph 14 of the Amended Complaint.

15. The Defendant Matthew Boes denies the allegations contained in Factual Background I. Paragraph 15 of the Amended Complaint.

16. The Defendant Matthew Boes denies the allegations contained in Factual Background II. Paragraph 16 of the Amended Complaint.

17. The Defendant Matthew Boes denies the allegations contained in Factual Background II. Paragraph 17 of the Amended Complaint.

18. The Defendant Matthew Boes denies the allegations contained in Factual Background II.A. Paragraph 18 of the Amended Complaint.

19. The Defendant Matthew Boes denies the allegations contained in Factual Background II.A. Paragraph 19 of the Amended Complaint.

20. The Defendant Matthew Boes denies the allegations contained in Factual Background II.A. Paragraph 20 of the Amended Complaint.

21. The Defendant Matthew Boes denies the allegations contained in Factual Background II.B. Paragraph 21 of the Amended Complaint.

22. The Defendant Matthew Boes denies the allegations contained in Factual Background II.B. Paragraph 22 of the Amended Complaint.

23. The Defendant Matthew Boes denies the allegations contained in Factual Background II.B. Paragraph 23 of the Amended Complaint.

24. The Defendant Matthew Boes denies the allegations contained in Factual Background II.B. Paragraph 24 of the Amended Complaint.

25. The Defendant Matthew Boes denies the allegations contained in Factual Background II.B. Paragraph 25 of the Amended Complaint.

26. The Defendant Matthew Boes denies the allegations contained in Factual Background II.B. Paragraph 26 of the Amended Complaint.

27. The Defendant Matthew Boes denies the allegations contained in Factual Background II.B. Paragraph 27 of the Amended Complaint.

28. The Defendant Matthew Boes denies the allegations contained in Factual Background II.B. Paragraph 28 of the Amended Complaint.

29. The Defendant Matthew Boes denies the allegations contained in Factual Background II.C. Paragraph 29 of the Amended Complaint.

30. The Defendant Matthew Boes denies the allegations contained in Factual Background II.C. Paragraphs 30 of the Amended Complaint.

31. The Defendant Matthew Boes denies the allegations contained in Factual Background II.D. Paragraph 31 of the Amended Complaint.

32. The Defendant Matthew Boes denies the allegations contained in Factual Background II.D. Paragraph 32 of the Amended Complaint.

33. The Defendant Matthew Boes denies the allegations contained in Factual Background II.D. Paragraph 33 of the Amended Complaint.

34. The Defendant Matthew Boes denies the allegations contained in Factual Background II.D. Paragraph 34 of the Amended Complaint.

35. The Defendant Matthew Boes denies the allegations contained in Factual Background II.D. Paragraph 35 of the Amended Complaint.

36. The Defendant Matthew Boes denies the allegations contained in Factual Background II.D. Paragraph 36 of the Amended Complaint.

37. The Defendant Matthew Boes denies the allegations contained in Factual Background II.D. Paragraph 37 of the Amended Complaint.

38. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 36 of the Amended Complaint.

39. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 37 of the Amended Complaint.

40. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 38 of the Amended Complaint.

41. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 39 of the Amended Complaint.

42. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 39(A) of the Amended Complaint.

43. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 39(B) of the Amended Complaint.

44. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 40 of the Amended Complaint.

45. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 41 of the Amended Complaint.

46. The Defendant Matthew Boes denies the allegations contained in Factual Background II.E. Paragraph 42 of the Amended Complaint.

47. The Defendant Matthew Boes denies the allegations contained in Miscellaneous Paragraph 43 of the Amended Complaint.

48. The Defendant Matthew Boes denies the allegations contained in Miscellaneous Paragraph 44 of the Amended Complaint.

49. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 45 of the Amended Complaint.

50. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 46 of the Amended Complaint.

51. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 47 of the Amended Complaint.

52. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 48 of the Amended Complaint.

53. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 49 of the Amended Complaint.

54. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 49(A) of the Amended Complaint.

55. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 49(B) of the Amended Complaint.

56. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 49(C) of the Amended Complaint.

57. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 49(D) of the Amended Complaint.

58. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 50 of the Amended Complaint.

59. The Defendant Matthew Boes denies the allegations contained in Count 1 Paragraph 51 of the Amended Complaint.

60. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 52 of the Amended Complaint.

61. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 53 of the Amended Complaint.

62. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 54 of the Amended Complaint.

63. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 55 of the Amended Complaint.

64. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 56 of the Amended Complaint.

65. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 57 of the Amended Complaint.

66. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 58 of the Amended Complaint.

67. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 59 of the Amended Complaint.


68. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 60 of the Amended Complaint.

69. The Defendant Matthew Boes denies the allegations contained in Count II Paragraph 61 of the Amended Complaint.

WHEREFORE, the Defendant Matthew Boes respectfully prays the Court as follows:

1. That the Court dismiss the Amended Complaint with prejudice.
2. That the Court deny any and all relief sought by the Plaintiff.

This the 23rd day of January, 2012.

By: 
Pro se Matthew Boes
13403 Norseman Lane
Huntersville, NC 28078
Telephone: 704-806-4814
Email: boesknowes@bellsouth.net

STATE OF NORTH CAROLINA


COUNTY OF MECKLENBURG

CERTIFICATE OF SERVICE

I hereby certify that this date I have served the foregoing **ANSWER OF DEFENDANT MATTHEW BOES** electronically on to the person hereinafter named, at the e-mail address identified below:

James C. White
jimwhite@jcwhitelaw.com

THIS, the 23rd day of January, 2012.

By: 
Pro se Matthew Boes
13403 Norseman Lane
Huntersville, NC 28078
Telephone: 704-806-4814
Email: boesknowes@bellsouth.net