

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**DRIVE PLANNING, LLC and
RUSSELL TODD BURKHALTER,**

Defendants,

and

**JACQUELINE BURKHALTER,
THE BURKHALTER RANCH,
DRIVE PROPERTIES, LLC, TBR
SUPPLY HOUSE, INC., and DRIVE
GULFPORT PROPERTIES,**

Relief Defendants.

**Civil Action No.
1:24-cv-03583-VMC**

**RELIEF DEFENDANT JACQUELINE BURKHALTER'S ANSWER TO
PLAINTIFF'S COMPLAINT**

COMES NOW, Relief Defendant Jacqueline Burkhalter (“Defendant”), by and through counsel, and files her Answer and Affirmative Defenses to Plaintiff’s Complaint and respectfully shows the Court as follows:

I. OVERVIEW

1. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

2. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

3. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

4. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

5. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations except that Defendant admits the limited allegation that she and Todd Burkhalter had entered into a divorce settlement and states that she was to receive two properties and that Todd Burkhalter was to receive all other properties under the settlement agreement.

6. The allegation is a conclusory statement to which no response appears to be required. To the extent a response is required, Defendant denies the allegations.

II. VIOLATIONS

7. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

8. Defendant is without sufficient information to either admit or deny the

allegations and therefore denies the allegations.

9. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

III. JURISDICTION AND VENUE

10. The allegation is a statement of Plaintiff's intentions to which no response appears to be required. To the extent a response is required, Defendant denies the allegations.

11. Defendant admits the allegations.

12. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

13. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations except Defendant admits that Drive Planning maintains its principal place of business in this judicial district.

14. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

IV. THE DEFENDANTS

15. Defendant admits all the allegations except she is without sufficient information to either admit or deny whether Todd Burkhalter held a Series 65 securities license and has been licensed in Georgia as a resident insurance agent since 1997 and therefore denies those allegations.

16. Defendant admits the allegations except for the allegation that Drive Planning is the alter ego of Todd Burkhalter which is a legal conclusion and therefore Defendant denies the allegation.

V. RELIEF DEFENDANTS

17. Defendant admits that she a resident of Blue Ridge, Fannin County, Georgia in this judicial district. Defendant admits that she is Todd Burkhalter's wife but is without sufficient information to either admit or deny whether he operated a Ponzi scheme while they were married. Therefore, she denies that he operated a Ponzi scheme while they were married.

18. Defendant admits the allegations.

19. Defendant admits the allegations.

20. Defendant admits the allegations.

21. Defendant admits the allegations.

VI. FACTS

22. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

23. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

24. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

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35. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

36. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

37. Defendant does not recall the date but admits that Todd Burkhalter paid \$40,000 to Atlantic RV Centers LLC.

38. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

39. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

40. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

41. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations. Defendant states the chart speaks for itself.

42. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

43. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

44. Defendant is without sufficient information to either admit or deny the

allegations and therefore denies the allegations.

45. Defendant admits that Drive Planning and Todd Burkhalter created two clubs for sales agents. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

46. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

47. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

48. Defendant admits that Drive Planning gave sales agents an all expense paid trip for two to Cabo San Lucas. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

49. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

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allegations and therefore denies the allegations.

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76. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

77. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

78. Defendant admits that Todd Burkhalter used funds from Drive Planning to buy a ranch in Mineral Bluff, Georgia. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

79. Defendant admits that Todd Burkhalter used funds from Drive Planning to build the Staurolite Barn in Mineral Bluff, Georgia which he rents out as an event venue. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

80. Defendant admits that Todd Burkhalter used funds from Drive Planning to start a western store business in Blue Ridge, Georgia and admits that TBR Supply House operates that business. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

81. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

82. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

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119. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

120. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

121. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

122. Defendant admits that she was and is married to Todd Burkhalter. Defendant is without sufficient information to either admit or deny the remaining allegations and therefore denies the allegations.

123. Defendant admits that Todd Burkhalter paid to purchase real estate titled in the names of Todd and Jacqueline Burkhalter. Defendant denies that the funds used were Drive Planning funds. Defendant did not see where the funds came from as Todd Burkhalter wired the funds to the closing attorney's office.

124. Defendant admits the allegations.

125. Defendant denies the allegations.

126. Defendant admits the allegations.

127. Defendant admits the allegations but denies the implications in the allegation as stated. Defendant received funds from Drive Planning and The Burkhalter Ranch to build two houses on two lots on Tower Road. During this time period in spring and summer 2023, Todd Burkhalter was unstable and Defendant did not trust him to pay the builder. Defendant took over payments to the builder. Each house cost approximately \$1.5 million. Defendant did not use these funds for her personal use.

128. Defendant denies the allegations as stated. Defendant did not receive

the two properties in the divorce settlement as the divorce is not finalized. Defendant has moved out of the one property, 1673 Hardscrabble Road. She was not given or paid the monies for her personal use as stated in paragraph 127 but these monies were used to pay for houses now in the receiver's control.

129. Defendant admits the allegations but is without sufficient information to either admit or deny the allegations that Burkhalter Ranch received ill-gotten funds from the above-described Ponzi scheme and therefore denies the allegations. Defendant did not know the source of the money. The \$17.1 million was used to build the wedding venue and all the infrastructure for it.

130. Defendant states that this allegation is a legal conclusion and does not require a response. To the extent a response is required, Defendant denies the allegations.

131. Defendant denies knowing if Drive Properties received ill-gotten funds from the above-described Ponzi scheme or that much of the funds came from investor funds but admits that Drive Planning paid at least \$777,000 for 330 East 2nd Street that is titled in Drive Properties' name.

132. Defendant states that this allegation is a legal conclusion and does not require a response. To the extent a response is required, Defendant denies the allegations.

133. Defendant denies knowing if Drive Gulfport received ill-gotten

funds from the above-described Ponzi scheme or that much of the funds came from investor funds but admits that Drive Planning paid at least \$944,118 for properties titled in Drive Gulfport's name.

134. Defendant states that this allegation is a legal conclusion and does not require a response. To the extent a response is required, Defendant denies the allegations.

135. Defendant denies knowing if TBR received ill-gotten funds from the above-described Ponzi scheme or that much of the funds came from investor funds but admits that TBR received funds from Burkhalter Ranch. Defendant states that Drive Planning paid \$900,000 for the renovation of the building and the purchase of the real property was financed.

136. Defendant states that this allegation is a legal conclusion and does not require a response. To the extent a response is required, Defendant denies the allegations.

137. Defendant states that this allegation is a legal conclusion and does not require a response. To the extent a response is required, Defendant denies the allegations.

138. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

139. Defendant is without sufficient information to either admit or deny the

allegations and therefore denies the allegations.

140. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

141. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

142. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

COUNT I- FRAUD

143. Defendant incorporates paragraphs 1-142 as if fully restated herein.

144. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

145. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

146. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

COUNT II – FRAUD

147. Defendant incorporates paragraphs 1-146 as if fully restated herein.

148. Defendant is without sufficient information to either admit or deny the allegations in a. and b. and therefore denies the allegations.

149. Defendant is without sufficient information to either admit or deny the

allegations and therefore denies the allegations.

COUNT III – FRAUD

150. Defendant incorporates paragraphs 1-149 as if fully restated herein.

151. Defendant is without sufficient information to either admit or deny the allegations in a., b. and c. and therefore denies the allegations.

152. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

153. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

COUNT IV – CONTROL PERSON LIABILITY

154. Defendant incorporates paragraphs 1-153 as if fully restated herein.

155. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

156. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

COUNT V – DISGORGEMENT

157. Defendant incorporates paragraphs 1-156 as if fully restated herein.

158. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

159. Defendant admits that Drive Planning or Todd Burkhalter, directly

or indirectly, transferred funds to Defendant and the other Relief Defendants, including by sending funds to the Relief Defendants and paying for property in the name of the Relief Defendants. Defendant states that consideration did pass between Defendant and Todd Burkhalter for some transfers from Todd Burkhalter to Defendant. Defendant is without sufficient information to either admit or deny the allegations and therefore denies the allegations.

PRAYER FOR RELIEF

No response is required of Defendant to Plaintiff's prayer for relief.

Respectfully submitted, this 15th day of October 2024.

ROUNTREE LEITMAN KLEIN & GEER, LLC

/s/ Ceci Christy

Ceci Christy, Ga. Bar No. 370092

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(404) 584-1238 Telephone

cchristy@rlkglaw.com

Attorneys for Relief Defendant

Jacqueline Burkhalter

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2024, I electronically filed the foregoing pleading using the CM/ECF System that will automatically send e-mail notification of such filing to all registered attorneys of record in this case.

This 15th day of October 2024.

ROUNTREE LEITMAN KLEIN & GEER, LLC

/s/ Ceci Christy

Ceci Christy

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