

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 DRIVE GULFPORT PROPERTIES, LLC'S
ANSWER TO PLAINTIFF'S COMPLAINT

COMES NOW, Relief Defendant Drive Gulfport Properties, LLC
("Defendant"), by and through counsel, and files its Answer 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.

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.

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 it 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 Jacqueline Burkhalter is a resident of Blue Ridge, Fannin County, Georgia, in this judicial district. Defendant admits that Jacqueline Burkhalter 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, Defendant 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.

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

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

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

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

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

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

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

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

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

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

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

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.

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 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

80. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

133. Defendant admits that Drive Planning paid at least \$944,118 for property that is titled in Defendant's name but Defendant denies that the monies paid are from ill-gotten funds from the above-described Ponzi scheme. Defendant is

without sufficient information to either admit or deny the remaining allegations and therefore denies the allegations.

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

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

136. Defendant is without sufficient information to either admit or deny the allegations and therefore 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 and Todd Burkhalter, directly or indirectly, transferred funds to Defendant, including by sending funds 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

Century Plaza I

2987 Clairmont Road, Suite 350

Atlanta, Georgia 30329

(404) 584-1238 Telephone

cchristy@rlkglaw.com

Attorneys for

Gulfport Properties, LLC

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

Georgia Bar No. 370092

Century Plaza I

2987 Clairmont Road, Suite 350

Atlanta, Georgia 30329

(404) 584-1238 Telephone

cchristy@rlkglaw.com

Attorneys for Drive Gulfport

Properties, LLC