

**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 TBR SUPPLY HOUSE, INC.’S ANSWER TO  
PLAINTIFF’S COMPLAINT**

COMES NOW, Relief Defendant TBR Supply House, Inc. (“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.

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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.

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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 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 admits that it received cash transfers from Burkhalter Ranch and that Drive Planning paid at least \$900,000 to renovate the building but states that Defendant obtained a loan to purchase the real property. Defendant denies that it received ill-gotten funds from the above-described Poniz scheme and states that it does not know where the monies came from that funded the renovation. 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 15<sup>th</sup> day of October 2024.

**ROUNTREE LEITMAN KLEIN & GEER, LLC**

/s/ Ceci Christy

Ceci Christy, Ga. Bar No. 370092

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*Attorneys for TBR Supply House, Inc.*

**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 15<sup>th</sup> day of October 2024.

**ROUNTREE LEITMAN KLEIN & GEER, LLC**

/s/ Ceci Christy

Ceci Christy

Georgia Bar No. 370092

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*Attorneys for TBR Supply House, Inc.*