

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 08-81565-CIV-HURLEY/HOPKINS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

CREATIVE CAPITAL CONSORTIUM, LLC,
A CREATIVE CAPITAL CONCEPTS, LLC,
and GEORGE L. THEODULE,

Defendants.

**DEFENDANT THEODULE’S ANSWER
TO COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF**

Defendant, George L. Theodule (“Theodule”), by and through his undersigned counsel, hereby respectfully submits his Answer to Plaintiff’s Complaint for Injunctive and Other Relief (hereinafter, “Plaintiff’s Complaint”).

ANSWER

In response to the allegations of Plaintiff’s Complaint, Defendant Theodule hereby respectfully answers as follows:

1. The allegations of paragraph 10 are admitted.
2. The allegations of paragraphs 2, 3, 5, 6, 13, 15, 16, 17, 19, 21, 23, 27, 29, 31, 33, 34, 36, and 37 are denied.
3. As to paragraph 1, Theodule admits that the basis for this action is to enjoin Defendants. The remaining allegations of paragraph 1 are denied.
4. As to paragraph 4, Theodule admits a net trading loss. The remaining allegations of paragraph 4 are denied.

5. As to paragraph 7, Theodule admits the first sentence and that he *was* one of the managers. The remaining allegations of paragraph 7 are denied.

6. As to paragraph 8, Theodule admits that Consortium is a Florida limited liability company organized in January 2008. The remaining allegations of paragraph 8 are denied.

7. As to paragraph 9, Theodule admits the first sentence. The remaining allegations of paragraph 9 are denied.

8. As to paragraph 11, Theodule admits that this Court has proper personal jurisdiction over him and that venue is proper in this Court. Theodule admits that, until recently, he resided in the Southern District of Florida. The remaining allegations of paragraph 11 are denied.

9. As to paragraph 12, Theodule admits the allegations except that he denies that the “conduct alleged in [the] Complaint” occurred as alleged.

10. As to paragraph 14, Theodule admits that he has told persons that he wants to help build wealth in the Haitian community and that he has told persons that he funds start-up businesses in the Haitian community. The remaining allegations of paragraph 14 are denied.

11. As to paragraph 18, Theodule admits that Defendant have raised more than \$23.4 million. The remaining allegations of paragraph 18 are denied.

12. As to paragraph 20, Theodule admits that SIMS is a private company. The remaining allegations of paragraph 20 are denied.

13. As to paragraphs 22, 24, 25 and 26, Theodule is without knowledge sufficient to admit or deny the allegations, therefore they are denied.

14. As to paragraph 28, Theodule admits the second sentence. The remaining allegations of paragraph 28 are denied.

15. As to paragraph 32, Theodule admits the second sentence to the extent that it implies that SIMS is not a *governmental* regulatory agency. The remaining allegations of paragraph 32 are denied.

16. As to paragraph 35, Theodule adopts his responses to the Complaint's paragraphs 1 through 34 as though fully set forth herein.

17. Defendant demands trial by jury of all issues so triable.

WHEREFORE, having answered, Defendant Theodule respectfully requests that this Court deny all relief sought by the Plaintiff in this action, and award him his compensable costs, and any additional and further relief as is just and equitable.

Dated: January 21, 2009.

Respectfully submitted,

//S// Charles L. Pickett, Jr.

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Attorneys for Defendant Theodule

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

//S// Charles L. Pickett

Charles L. Pickett, Esq.

SERVICE LIST

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Case No.: 08-81565-CIV-HURLEY/HOPKINS
United States District Court, Southern District of Florida

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