

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

**TRANSPORTATION ALLIANCE BANK,
INC.,**

Plaintiff,

-v.-

- 1. ARROW TRUCKING CO.,**
- 2. PIEL CORPORATION,**
- 3. MEGAN CORP.,**
- 4. ARROW TRUCK REAL ESTATE CO.,**
- 5. CAROL PIELSTICKER,**
- 6. JAMES DOUGLAS PIELSTICKER,**
- 7. JONATHAN MOORE, AND**
- 8. JOSEPH MOWRY,**

Defendants.

10 CV – 016 JHP (PJC)

ANSWER OF DEFENDANT JONATHAN MOORE

Defendant Jonathan Moore (“Moore”), by and through counsel, Stanley D. Monroe of Monroe & Associates, for Answer to the Complaint filed January 8, 2010, states as follows:

1. Moore is without sufficient information to either admit or deny the allegations in paragraph 1 of the Complaint.
2. Moore admits paragraph 2 of the Complaint.
3. Moore admits paragraph 3 of the Complaint.
4. Moore admits paragraph 4 of the Complaint.
5. Moore admits paragraph 5 of the Complaint.

6. Moore admits paragraph 6 of the Complaint.
7. Moore admits paragraph 7 of the Complaint.
8. Moore admits that he formerly resided in Oklahoma, but he no longer resides herein; Moore further states that he was the Controller and Vice President of Finance of Arrow Trucking beginning in August, 2008 until on or about January, 2009, and became Treasurer and Chief Financial Officer of Arrow Trucking until July, 2009, at which time Defendant Mowery assumed that position.
9. Moore admits paragraph 9 of the Complaint.
10. Moore makes no response to paragraph 10 of the Complaint.
11. Moore admits paragraph 11 of the Complaint.
12. Moore admits paragraph 12 of the Complaint.
13. Moore admits paragraph 13 of the Complaint.
14. Moore admits paragraph 14 of the Complaint.
15. Moore admits paragraph 15 of the Complaint.
16. Moore is without sufficient information to either admit or deny the allegations in paragraph 16 of the Complaint.
17. Moore admits paragraph 17 of the Complaint.
18. Moore admits that certain representations were made as alleged in paragraph 18 of the Complaint, but is without sufficient information to either admit or deny the allegations therein.
19. Moore admits paragraph 19 of the Complaint.

20. Moore admits that certain representations were made as alleged in paragraph 20 of the Complaint, but is without sufficient information to either admit or deny the allegations therein.

21. Moore is without sufficient information to either admit or deny the allegations in paragraph 21 of the Complaint.

22. Moore is without sufficient information to either admit or deny the allegations in paragraph 22 of the Complaint.

23. Moore admits paragraph 23 of the Complaint.

24. Moore admits paragraph 24 of the Complaint.

25. Moore is without sufficient information to either admit or deny the allegations in paragraph 25 of the Complaint.

26. Moore is without sufficient information to either admit or deny the allegations in paragraph 26 of the Complaint.

27. Moore admits paragraph 27 of the Complaint.

28. Moore is without sufficient information to either admit or deny the allegations in paragraph 28 of the Complaint.

29. Moore admits that he participated in a conference call with Plaintiff's representatives as alleged, but states that the allegations contained in paragraph 29 are overly general and do not accurately reflect the entirety of said conference call. However, Moore admits that the general subject matter of said conference call did include, *inter alia*, the subjects referenced therein.

30. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 30 of the Complaint.

31. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 30 of the Complaint.

32. Moore is without sufficient information to either admit or deny the allegations in paragraph 32 of the Complaint.

33. Moore did not sign Exhibit 5 attached to the Complaint, and therefore denies the allegations in paragraph 33 of the Complaint related to him.

34. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 34 of the Complaint.

35. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 35 of the Complaint.

36. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation,

Moore declines to make any additional response to the allegations made in paragraph 36 of the Complaint.

37. Moore is without sufficient information to either admit or deny the allegations in paragraph 34 of the Complaint relating to Arrow's credit limit, as he was no longer acting as Treasurer and Chief Financial Officer of Arrow Trucking in November, 2009.

38. Moore admits the allegations in paragraph 38 of the Complaint relating to various checks written to other Defendants herein.

39. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 39 of the Complaint.

40. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 40 of the Complaint.

41. Moore is without sufficient information to either admit or deny the allegations in paragraph 41 of the Complaint.

42. Moore is without sufficient information to either admit or deny the allegations in paragraph 42 of the Complaint, but denies that he was "terminated" from Arrow Trucking as of the date of December 11, 2009. Moore tendered his resignation on that date.

43. Moore is without sufficient information to either admit or deny the allegations in paragraph 43 of the Complaint, but states that if Plaintiff provided additional funding, it was in response to a request made by Defendant Mowry, without Moore's knowledge.

44. Moore is without sufficient information to either admit or deny the allegations in paragraph 43 of the Complaint, but does state that signatures affixed to the documents referenced therein appear to be genuine signatures of certain co-defendants herein.

45. Moore is without sufficient information to either admit or deny the allegations in paragraph 45 of the Complaint.

46. Moore is without sufficient information to either admit or deny the allegations in paragraph 46 of the Complaint.

47. Moore is without sufficient information to either admit or deny the allegations in paragraph 47 of the Complaint.

48. Moore is without sufficient information to either admit or deny the allegations in paragraph 48 of the Complaint.

49. Moore is without sufficient information to either admit or deny the allegations in paragraph 49 of the Complaint.

50. Moore is without sufficient information to either admit or deny the allegations in paragraph 50 of the Complaint.

51. Moore is without sufficient information to either admit or deny the allegations in paragraph 51 of the Complaint.

52. Moore is without sufficient information to either admit or deny the allegations in paragraph 52 of the Complaint.

53. Moore is without sufficient information to either admit or deny the allegations in paragraph 53 of the Complaint.

54. Moore is without sufficient information to either admit or deny the allegations in paragraph 54 of the Complaint.

55. Moore is without sufficient information to either admit or deny the allegations in paragraph 55 of the Complaint.

56. Moore is without sufficient information to either admit or deny the allegations in paragraph 56 of the Complaint.

57. Moore is without sufficient information to either admit or deny the allegations in paragraph 57 of the Complaint.

58. Moore admits that Arrow ceased operations on December 22, 2009. Moore is without sufficient information to either admit or deny the remaining allegations in paragraph 58 of the Complaint.

59. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 59 of the Complaint.

60. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 60 of the Complaint.

61. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 61 of the Complaint.

62. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 62 of the Complaint.

63. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 63 of the Complaint.

64. Moore admits the allegations contained in paragraph 64 of the Complaint.

65. Moore admits the allegations contained in paragraph 65 of the Complaint.

66. Moore denies that he was paid an “extremely excessive and over-market” salary during his employment with Arrow Trucking.

67 – 90. As the First, Second and Third Claim for Relief do not involve Defendant Moore, he makes no response thereto.

91 – 93. As these paragraphs do not involve Defendant Moore, he makes no response thereto.

94. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation,

Moore declines to make any additional response to the allegations made in paragraph 94 of the Complaint.

95. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 95 of the Complaint.

96. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 96 of the Complaint.

97. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 97 of the Complaint.

98. Moore is without sufficient information to either admit or deny the allegations in paragraph 98 of the Complaint.

99. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 99 of the Complaint.

100 – 102. As the Seventh Claim for Relief does not involve Defendant Moore, he makes no response thereto.

103. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 103 of the Complaint.

104. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 104 of the Complaint.

105. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 105 of the Complaint.

106. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 106 of the Complaint.

107. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 107 of the Complaint.

108. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation,

Moore declines to make any additional response to the allegations made in paragraph 108 of the Complaint.

109. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 109 of the Complaint.

110. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 110 of the Complaint.

111. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 111 of the Complaint.

112. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 112 of the Complaint.

113. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 113 of the Complaint.

114. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 114 of the Complaint.

115. Moore denies that 18 U.S.C. § 1964 subjects him to liability for an award of treble damages herein.

116. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 116 of the Complaint.

117. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 117 of the Complaint.

118. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 118 of the Complaint.

119. Moore denies that 18 U.S.C. § 1964 subjects him to liability for an award of treble damages herein, and further states that Plaintiff's attempt to obtain judgment against him in both the Ninth and Tenth Claims for Relief constitutes an improper attempt to recover excessive damages against him.

120. Moore denies that this Court has *in personam* jurisdiction over him to adjudicate claims brought pursuant to Utah Code §§ 76-10-1601, *et seq*, and moves the Court to dismiss claims brought thereunder.

121. Without waiving the foregoing, Moore states that at all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 121 of the Complaint.

122. Without waiving the foregoing, Moore states that at all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 122 of the Complaint.

123. Without waiving the foregoing, Moore states that at all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 123 of the Complaint.

124. Without waiving the foregoing, Moore states that at all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 124 of the Complaint.

125. Without waiving the foregoing, Moore states that at all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By

reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 125 of the Complaint.

126. Moore denies the allegations in paragraph 126 of the Complaint.

127. Moore admits that during part of the time referenced in the Complaint, he was an officer of Arrow Trucking, but denies that he acted in that capacity during the entire time frame referenced in said Complaint.

128. Moore admits that Plaintiff was and is a creditor of Arrow Trucking.

129. Moore admits the allegations in paragraph 129 of the Complaint.

130. Moore admits the allegations in paragraph 130 of the Complaint.

131. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 131 of the Complaint.

132. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 132 of the Complaint.

133. Moore admits that during part of the time referenced in the Complaint, he was an officer of Arrow Trucking, but denies that he acted in that capacity during the entire time frame referenced in said Complaint.

134. Moore is without sufficient information to either admit or deny the allegations in paragraph 134 of the Complaint.

135. Moore is without sufficient information to either admit or deny the allegations in paragraph 135 of the Complaint.

136. Moore is without sufficient information to either admit or deny the allegations in paragraph 136 of the Complaint.

137. Moore is without sufficient information to either admit or deny the allegations in paragraph 137 of the Complaint.

138. Moore admits the allegations in paragraph 138 of the Complaint.

139. Moore admits the allegations in paragraph 139 of the Complaint.

140. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 140 of the Complaint.

141. At all times relevant herein, Moore was acting upon instructions from his employer, or upon advice of counsel. By reason of an ongoing criminal investigation, Moore declines to make any additional response to the allegations made in paragraph 141 of the Complaint.

142 – 147. As the Fourteenth Claim for Relief does not involve Defendant Moore, he makes no response thereto.

148 – 150. As the Fifteenth Claim for Relief does not involve Defendant Moore, he makes no response thereto.

151 – 158. As the Sixteenth Claim for Relief does not involve Defendant Moore, he makes no response thereto.

WHEREFORE, having fully answered, Defendant Moore prays that Plaintiff take nothing against him, and that he be discharged, together with his costs and attorney's fees, and for such other relief to which he may be deemed entitled.

CROSS CLAIM AGAINST DEFENDANTS
JAMES DOUGLAS PIELSTICKER AND JOSEPH MOWERY

159. Defendant Moore denies that he is liable to Plaintiff by reason of any of the Claims for Relief alleged herein.

FIRST CROSS CLAIM: INDEMNITY

160. Defendant Moore seeks indemnity against Cross Defendants James Douglas Pielsticker and Joseph Mowry in the event that Plaintiff successfully recovers judgment against him. Moore seeks judgment against Cross Defendants James Douglas Pielsticker and Joseph Mowry for any amounts awarded to Plaintiff against him, to include, without limitation, recovery of all of his costs, and a reasonable attorney's fee, incurred as a result of his defense of this case.

SECOND CROSS CLAIM: SLANDER

161. Cross Defendants James Douglas Pielsticker and Joseph Mowry knowingly made false and malicious statements concerning Moore to Plaintiff's representatives, as alleged in paragraph 42 of the Complaint, and to others, and such statements attributed criminal acts about Moore, which caused him to suffer irreparable damages, by reason of which he should be awarded actual and exemplary damages against said Cross Defendants, to punish said Cross Defendants for their acts and to deter others from similar acts.

WHEREFORE, Defendant Moore seeks judgment against Cross Defendants James Douglas Pielsticker and Joseph Mowry for indemnity in the event that Plaintiff recovers judgment against him, plus an award of actual damages and exemplary damages, in an amount to be determined, including his costs, attorney's fees and for such other relief to which he may be deemed entitled.

Respectfully submitted,

MONROE & ASSOCIATES

By: /s/ Stanley D. Monroe
Stanley D. Monroe, OBA # 6305
15 West 6th Street, Suite 2112
Tulsa, Oklahoma 74119
(918) 592-1144 *Telephone*
(918) 592-1149 *Facsimile*

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2010, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/ Stanley D. Monroe
Stanley D. Monroe