

3. The Receiver denies the allegations of paragraph 29 of the Antunas' Counterclaims.

4. The Receiver denies the allegations² of paragraph 30 of the Antunas' Counterclaims.

5. The Receiver denies that the Antunas are entitled to the relief they seek in their Prayer for Relief.

6. All allegations not expressly admitted are denied.

AFFIRMATIVE DEFENSES

7. In response to the Antunas' Counterclaims, the Receiver affirmatively asserts that the Antunas have failed to state claims or causes of action upon which relief can be granted.

8. Moreover, the Receiver affirmatively asserts that his claims against the Antunas exceed in amount the Antunas' claimed damages. As such, any amount this Court may find the Receiver owes the Antunas should be set off by the Receiver's claims against the Antunas.

9. Because the Receiver was acting within the scope of the authority granted to him by this Court, he is entitled to absolute judicial immunity from suit, and the Antunas have failed to allege the absence of judicial immunity.

PRAYER

The Receiver respectfully requests that the Court enter judgment that Manuel and Rosalia Antuna take nothing, dismiss the Antunas' Counterclaims with prejudice, and award the Receiver such other and further relief the Court deems proper under the circumstances.

² See *supra* note 1.

Dated: June 3, 2010

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ Kevin M. Sadler

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CERTIFICATE OF SERVICE

On June 3, 2010, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served the Court-appointed Examiner, all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Kevin M. Sadler

Kevin M. Sadler