

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**JAMES G. TEMME,  
STEWARDSHIP FUNDS, LP  
Defendants.**

**Civil Action No. 4:11cv655**

**DEFENDANT JAMES G. TEMME'S ANSWER TO THE COMPLAINT**

Defendant, James G. Temme ("Temme"), by and through his attorneys of record, hereby answers the Complaint of Plaintiff Securities and Exchange Commission ("SEC") and admits, denies, and alleges as follows:

1. In response to paragraph 1, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations.

2. In response to paragraph 2, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

3. In response to paragraph 3, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

4. In response to paragraph 4, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

5. In response to paragraph 5, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

6. In response to paragraph 6, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

7. In response to paragraph 7, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations.

8. In response to paragraph 8, the first sentence states a legal conclusion, which Temme denies as a matter of law, and he denies that the SEC is legally entitled to the relief it seeks. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

9. In response to paragraph 9, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations.

10. In response to paragraph 10, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

11. In response to paragraph 11, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

12. In response to paragraph 12, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

13. In response to paragraph 13, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations.

14. In response to paragraph 14, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

15. In response to paragraph 15, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

16. In response to paragraph 16, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

17. In response to paragraph 17, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

18. In response to paragraph 18, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

19. In response to paragraph 19, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

20. In response to paragraph 20, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against

self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

21. In response to paragraph 21, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

22. In response to paragraph 22, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

23. In response to paragraph 23, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

24. In response to paragraph 24, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

25. In response to paragraph 25, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

26. In response to paragraph 26, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore

denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

27. In response to paragraph 27, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

28. In response to paragraph 28, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

29. In response to paragraph 29, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

30. In response to paragraph 30, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

31. In response to paragraph 31, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

32. In response to paragraph 32, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations.

33. In response to paragraph 33, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations.

34. In response to paragraph 34, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations.

35. In response to paragraph 35, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

36. In response to paragraph 36, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

37. In response to paragraph 37, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

38. In response to paragraph 38, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

39. In response to paragraph 39, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

40. In response to paragraph 40, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

41. In response to paragraph 41, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations.

42. In response to paragraph 42, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

43. In response to paragraph 43, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

44. In response to paragraph 44, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against



self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

45. In response to paragraph 45, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

46. In response to paragraph 46, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

47. In response to paragraph 47, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

48. In response to paragraph 48, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

49. In response to paragraph 49, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

50. In response to paragraph 50, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

51. In response to paragraph 51, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

52. In response to paragraph 52, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

53. In response to paragraph 53, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

54. In response to paragraph 54, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

55. In response to paragraph 55, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

56. In response to paragraph 56, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

57. In response to paragraph 57, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

58. In response to paragraph 58, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

59. In response to paragraph 59, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

60. In response to paragraph 60, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

61. In response to paragraph 61, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

62. In response to paragraph 62, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

63. In response to paragraph 63, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

64. In response to paragraph 64, Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

65. In response to paragraph 65, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

66. In response to paragraph 66, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

67. In response to paragraph 67, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

**FIRST CLAIM**

68. Temme re-alleges and incorporates his responses to the preceding paragraphs by reference as if set forth in full.

69. In response to paragraph 69, Temme denies that the SEC is legally entitled to the relief requested. Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

70. In response to paragraph 70, Temme denies that the SEC is legally entitled to the relief requested. Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

71. In response to paragraph 71, Temme denies that the SEC is legally entitled to the relief requested. Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

72. In response to paragraph 72, Temme denies that the SEC is legally entitled to the relief requested. Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

### **SECOND CLAIM**

73. Temme re-alleges and incorporates his responses to the paragraphs 1 through 67 by reference as if set forth in full.

74. In response to paragraph 74, Temme denies that the SEC is legally entitled to the relief requested. Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

75. In response to paragraph 75, Temme denies that the SEC is legally entitled to the relief requested. Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

76. In response to paragraph 76, Temme denies that the SEC is legally entitled to the relief requested. Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

77. In response to paragraph 77, Temme denies that the SEC is legally entitled to the relief requested. Temme lacks sufficient knowledge and information regarding those matters not pertaining to him to admit or deny the allegations, and therefore denies the allegations. As to the remaining allegations, without waiver of the privilege against self-incrimination, Temme specifically denies the allegations based upon the rights afforded to him under the Fifth Amendment to the United States Constitution.

**RELIEF REQUESTED AND IV.**

Temme denies that the SEC is legally entitled to the relief requested.

**AFFIRMATIVE DEFENSES**

78. Without making any admissions concerning the burden of proof, Temme alleges as follows:

**FIRST AFFIRMATIVE DEFENSE**

**(Failure to State a Claim)**

79. As a first and separate affirmative defense, the SEC has failed to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

**(No Offer of Securities)**

80. As a second and separate affirmative defense, Temme is informed and believes, and thereon alleges, that the investments the SEC alleges to have been sold are not “securities” under the applicable statutes.

**THIRD AFFIRMATIVE DEFENSE**

**(Additional Unknown Affirmative Defenses)**

81. As a third and separate affirmative defense, Temme is informed and believes, and thereon alleges, that he currently has insufficient information available upon which to form a belief as to whether he has additional, yet unstated, affirmative defenses available. Temme reserves the right to assert additional affirmative defenses in the event discovery indicates that they would be appropriate.

**JURY DEMAND**

Temme hereby demands a trial by jury on all issues so triable.

**PRAYER**

Temme prays for judgment as follows:

1. That Plaintiff SEC take nothing in its complaint;
2. For costs of suit incurred;
3. For any other relief as the Court may deem just and proper.



Date: February 21, 2012

Respectfully submitted:

/s/ John Helms, Jr.

John Helms, Jr.

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COUNSEL FOR JAMES G. TEMME

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that pursuant to Local Rule CV-5(a)(7) a true and correct copy of the above and foregoing document has been served via e-mail on February 21, 2012 to all counsel of record who are deemed to have consented to electronic service. Any other counsel of record will be served by first class mail.

/s/ John Helms, Jr.

John Helms, Jr.