IN THE CIRCUIT COURT FOR ROANE COUNTY, TENNESSEE

Plaintiff,	)	
v.	)	**No. 13-CV-4**
	)	**JURY DEMAND**
JOHN MARK HANCOCK,	)	
Defendant.	)	

DEFENDANT'S AMENDED RESPONSES TO PLAINTIFF'S FIRST CONTINUING SET OF REQUESTS FOR ADMISSION PROPOUNDED ONTO DEFENDANT JOHN MARK HANCOCK

Comes the Defendant, and for his response to Plaintiff's First Continuing Set of Requests for Admission Propounded onto Defendant John Mark Hancock, he states as follows:

1. REQUEST FOR ADMISSION In 2009 and 2010, Defendant represented to Plaintiff that Defendant was a multimillionaire with vast real estate holdings and active investments paying well over 100% annual returns in foreign exchange and stock market securities.

RESPONSE: ALTHOUGH THERE ARE NUMEROUS PARTS TO THIS REQUEST, I ADMIT THAT I MAY HAVE MADE CERTAIN STATEMENTS TO THE PLAINTIFF AT SOME POINT IN TIME ALONG THESE LINES.

2. REQUEST FOR ADMISSION On June 15, 1994, the Tennessee Supreme Court suspended Defendant's license to practice law and subsequently found Hancock in criminal contempt for continuing to hold himself out as a licensed attorney to members of the public and various business entities. *In re Hancock*, 970 S.W.2d 456 (Tenn. 1998).

RESPONSE: ADMITTED

3. REQUEST FOR ADMISSION Hancock's law license was originally suspended for acts of dishonesty including misrepresentation, misappropriation, and misuse of client funds, while running a securities firm, Riverview Investments, but Hancock withheld all of this relevant

information in soliciting Plaintiff's trust and funds.http://caselaw.findlaw.com/tn-supreme-court/1297961.html - footnote_1

RESPONSE: ALTHOUGH THERE ARE AGAIN MANY PARTS TO THIS REQUEST, THE PLAINTIFF ADMITS THAT HIS LAW LICENSE WAS ORIGINALLY SUSPENDED FOR ACTS OF DISHONESTY INCLUDING MISREPRESENTATION, MISAPPROPRIATION, AND MISUSE OF CLIENT FUNDS, WHILE RUNNING A SECURITIES FIRM, RIVERVIEW INVESTMENTS, AND THAT HE DID NOT INITIALLY ADVISE PLAINTIFF OF SAME.

4. REQUEST FOR ADMISSION The District Court in Knoxville permanently enjoined Hancock for his lifetime from violating the antifraud provisions of the federal securities acts.

RESPONSE: THE DEFENDANT DOES NOT UNDERSTAND THIS REQUEST, AND THEREFORE DENIES SAME.

5. REQUEST FOR ADMISSION Hancock's dishonest behavior has been described on the Internet as follows:

> John Mark Hancock, a Knoxville attorney, was suspended until January 1, 1996 by Order entered on June 15, 1994. The suspension was made retroactive to May 21, 1992, the date his license was placed on temporary suspension status. The suspension relates to Hancock's representation of an estate. He induced the heirs to allow him to make an investment of estate funds and used estate funds to purchase a majority interest in a brokerage company that he later became Chief Executive Officer of. He also used $50,000 to make a loan to a business partner. As a result of the loan he was furnished a luxury automobile. Hancock failed to close the estate even upon request of the heirs and the heirs did not receive their money back until after disciplinary counsel filed formal charges. Hancock was cited by the Securities and Exchange Commission for improper conduct and was barred from engaging in the securities business as a broker and dealer. Criminal charges were brought against him by the State and he was placed on pre-trial diversion. The suspension was the result of a settlement agreement entered into pursuant to a Petition for Discipline.

http://www.putnampit.com/databases/tbpr/susp_rein.html.

RESPONSE: THE DEFENDANT ADMITS THAT THIS STATEMENT MAY HAVE BEEN ON THE INTERNET, AND IT MAY STILL BE THERE.

6. REQUEST FOR ADMISSION When asked about his past history of dishonesty and misappropriation of client funds in Interrogatory 5, Defendant wrote "No such history of dishonesty or misappropriation (of client funds) exists." Accordingly, Defendant's answer was a lie.

RESPONSE: DENIED

7. REQUEST FOR ADMISSION Describing Defendant's long history of dishonesty and misappropriation of client funds, the Tennessee Supreme Court wrote in 1998:

On June 15, 1994, this Court suspended his license to practice law pursuant to a settlement agreement between the Board and Hancock regarding acts of misrepresentation, misappropriation, and misuse of client funds by Hancock. The record shows that John Mark Hancock received his law license in the State of Tennessee in 1981. [1] Hancock has not applied for reinstatement. The suspension of Hancock's license was ordered to last until at least January 1, 1996.

On November 18, 1997, the Board of Professional Responsibility filed a petition for order of contempt alleging that Hancock had violated the order of suspension by failing to comply with Tenn. Sup.Ct. R. 9, § 18, which requires suspended attorneys to notify clients of the suspension, withdraw from representation in pending cases, give notice to adverse attorneys when clients have not found substitute counsel, refrain from accepting new cases, and file an affidavit with the Court and the Board stating that the attorney has complied with the Court's order. The petition alleged numerous instances in which Hancock continued to practice law and/or represented himself to members of the public as a licensed lawyer, including:

· Hancock used letterhead and stationery designating himself as "Esq." and/or "Consultant and Counselor" and/or any other related designation.

· Hancock identified himself as an attorney, or held himself out as an attorney, for Alfred Crews to Alfred Robinson of Alfred Robinson Realty Company and/or Robert N. Bailey, attorney for Alfred Robinson.

· Hancock failed to inform Alfred Robinson or Robert Bailey that his license to practice law had been suspended.

· Hancock represented to Ms. Jennie Angele that he was, at the time, a licensed attorney.

· Hancock represented to Ms. Doris Heath that he was, at the time, a licensed attorney.

· Hancock sought students for "John Hancock University" by using letterhead or stationery designating himself as "Esq." and/or "Consultant and Counselor" and/or any other related term.

· Hancock used letterhead or stationery referring to himself as "Attorney and Counselor at Law" in soliciting University of Tennessee football players to use him as an agent.

· Hancock submitted a resume to Generation Power Company indicating that he was, at the time, an attorney.

The Special Master, in his report for the Court, made the following findings:

· Hancock used letterhead or stationery designating himself as "Esq." and/or "Consultant and Counselor" and there is no factual basis for his claim that this was inadvertent.

There is not sufficient evidence to find that Hancock held himself out as an attorney to Alfred Robinson or Alfred Crews. Hancock never corrected Bailey's reference to him as an attorney. Bailey responded to the letters and addressed Hancock as an attorney. · Robert M. Bailey, attorney for Alfred Robinson, received letters from Hancock which bore the letterhead designating Hancock as "Esq." and "Consultant and Counselor."

· Hancock never informed Alfred Robinson or Robert Bailey that his license to practice law had been suspended.

· Hancock did represent to Jennie Angele that he was a licensed attorney.

· Hancock did represent to Doris Heath that he was a licensed attorney.

· Hancock sought students for "John Hancock University" by using letterhead or stationery designating himself as "Esq." and/or "Consultant and Counselor."

· Hancock used letterhead referring to himself as "Attorney and Counselor at Law" in soliciting University of Tennessee football players to use him as an agent.
· Hancock submitted a resume to Generation Power Company indicating that he was an attorney, but the letter was undated and there is no evidence that it was sent when Hancock's license was suspended.
· Hancock continued to be listed in the phone book as an attorney and took no steps to have that listing removed.
The Special Master concluded that Hancock had "held himself out to the public as an attorney after his license to practice law was suspended and that this was done to garner financial return whether he received remuneration in all instances or not."

RESPONSE: THE SUPREME COURT DID SAY THOSE THINGS IN ITS ORDER, BUT I DENY THAT THEY WERE TRUE.

8. REQUEST FOR ADMISSION Beginning in the fall of 2009, Defendant attempted to solicit Plaintiff as an investment client.

RESPONSE: DENIED.

9. REQUEST FOR ADMISSION Defendant alleged that he owned and controlled Swiss bank accounts from which he made enormous profits and income from foreign exchange trading, obtaining annual rates of return ranging from 100% to 400%.

RESPONSE: ALTHOUGH THERE ARE NUMEROUS PARTS TO THIS REQUEST, I ADMIT THAT I MAY HAVE MADE CERTAIN STATEMENTS TO THE PLAINTIFF AT SOME POINT IN TIME ALONG THESE LINES.

10. REQUEST FOR ADMISSION Defendant sent Plaintiff an email dated 11/30/2009, in which Defendant wrote,

"the FX account is where the big profits are made for both of us. you have enough in your savings to participate in a good FX program. i would recommend putting it all there & you will see it double annually net to you."

RESPONSE: I ADMIT THAT THIS STATEMENT WAS PART OF AN EMAIL, OR EMAILS, THAT WAS SENT TO PLAINTIFF.

11. REQUEST FOR ADMISSION By email dated 12/20/2009, Defendant wrote Plaintiff,

"mike, if i said that i had clients quadrupling their money in FX after the split of commissions, i misspoke. i meant that sometimes i've quadrupled my own money in it, but now i settle for a fixed rate of tripling it. if you're willing to do this, here's what i'll do for you: a fixed 100% gain net to

you on the amount that is invested outside of the Roth IRA in FX annually. that way you will never have to worry about monitoring the performance of the FX investment, as it will be a fixed rate that i'm providing for you. if you put all of the FX investment into the swiss brokerage, it will be in a totally private account that has no ties to the USA, which means that there will never be any reporting to the IRS. . . . mike, you are correct that swiss banks that have american operations are required to cooperate with the USA IRS. however, the one that i use has no ties to the USA at all just for that reason. if any of their employees from the chairman & CEO on down ever revealed anything about any of their accounts to anyone, they will go to jail under swiss law. the treaty only affects those banks that also have USA operations or offices, not merely USA clients. however, i take care of that by having my swiss account denominated in the name of my panamanian company, not my own, & also use a german bank with no ties to the USA as a hedge, too."

RESPONSE: I ADMIT THAT THIS STATEMENT WAS AN EMAIL, OR PART OF AN EMAIL, OR EMAILS, THAT WAS SENT TO PLAINTIFF.

12. REQUEST FOR ADMISSION Defendant wrote Plaintiff by email on 1/13/2010 stating,

"also, you need to get out of the mindset of there being any capital gains taxes to pay on any income earned from anything i would do with your $300K overseas. this is the ONLY way to do it that will work:

1. you wire the $300K to my swiss account. that takes it all out of the USA & out of IRS jurisdiction, since it's going into a numbered, private account with no name attached to it, mine or anyone else's.

2. i can offer you no protection against any loss beyond swiss law, as i'm not the FDIC or FSLIC. again, these funds are going overseas into uninsured accounts in that they aren't insured by any US agency. however, they will be in the safest place in the world, a swiss account. no bank accounts are safer than swiss accounts. their laws are ironclad.

3. you misunderstood so very much about my FX traders. they are in hong kong, not norway. the guy who is chairman of one of the trading companies i deal with is a south african native who was educated in the UK, got his graduate degree in the USA from an ivy league school, worked on wall street awhile, deals with banks in singapore, & married a norwegian, which is why he lives there. none of that is pertinent to your return, as i might not even use his traders for your funds, as i deal with several FX traders & companies that are all very sound.

4. the swiss bank & swiss broker i deal with has NO ties to the USA at all, no US offices, etc. thus, they are not a party to any treaties with the IRS, & all of their bank & brokerage employees would go to jail under swiss law if they ever revealed anything about their accounts.

5. as you said, talk is cheap, but action counts. i'm not going to make you any outlandish promises. i'm simply going to be very conservative & offer you a doubling of your money by next year. once i've returned to you $600K by 2011, you can decide what you want to do at that point. it will be placed in another overseas account of your choice, as i will not wire

back to the USA for any reason from my swiss account, since that will defeat its privacy.

you won't get a better return for your money anywhere. i have no collateral to offer you. you will simply have to trust me that i will do what i say i'll do, which will be easy for me to accomplish. i have no way to get around any risk management issues you may have. i tried to offer you plenty of protections otherwise with the roth, but since you want to remove that from the equation, there isn't any way to offer you such protections with this arrangement. you said you trust me, so hopefully that is enough & you'll be true to your word. there never seemed to be a trust issue in our agreement, just [your] obsession with reporting to the IRS, which will be eliminated by this arrangement on the savings in my swiss account being put into FX only."

RESPONSE: I ADMIT THAT THIS STATEMENT WAS AN EMAIL, OR PART OF AN EMAIL, OR EMAILS, THAT WAS SENT TO PLAINTIFF.

13. REQUEST FOR ADMISSION For the first ten months or so that Plaintiff knew Defendant, the Plaintiff rejected Defendant's investment schemes, because Plaintiff claimed each proposed scheme involved either (1) unethical and illegal "pump & dump" stock market manipulations, or (2) illegal income tax evasion with foreign exchange and foreign bank accounts.

RESPONSE: DENIED.

14. REQUEST FOR ADMISSION Defendant came up with a "gold stock" investment for Plaintiff in which Defendant represented that (1) Defendant personally did extensive due diligence on every stock he recommended to investors, (2) Defendant knew these companies inside and out, and top to bottom, (3) Defendant had an unblemished record of looking out for client funds and that all of his investment clients trusted his honesty completely with their investments, (4) that Defendant "worked his ass off" performing due diligence and eliminating foreseeable risk from his investments, (5) that the investment would involve holding a stock potentially for years based on fundamental value, not a quick trade as part of a "pump & dump" scheme, and (6) that Defendant was a very wealthy multimillionaire and had astute investment skills to guide Plaintiff.

RESPONSE: DENIED.

15. REQUEST FOR ADMISSION Defendant steadfastly refused to provide Plaintiff with what Defendant repeatedly claimed to be thoroughly researched and highly lucrative investment opportunities until Plaintiff signed a "Profit Sharing Agreement," drafted by Defendant, which is attached to the Amended Complaint as Exhibit A.

RESPONSE: DENIED.

16. REQUEST FOR ADMISSION Although Defendant would have $0 at risk and Plaintiff would have 100% of his funds at risk, the Defendant expected Plaintiff to pay him a 50% commission on any returns Defendant generated.

RESPONSE: DENIED.

17. REQUEST FOR ADMISSION Defendant represented that the returns he would generate for Plaintiff would be so high that even after paying Defendant a 50% commission, the returns would exceed any alternative investment opportunity available to Plaintiff.

RESPONSE: DENIED.

18. REQUEST FOR ADMISSION Defendant represented to Plaintiff that Denarii Resources (hereafter stock symbol DNRR) was a gold mining company that owned active gold mines.

RESPONSE: DENIED.

19. REQUEST FOR ADMISSION To further demonstrate his deep knowledge of the company, Defendant identified and represented to Plaintiff that DNRR owned gold mines in Canada and South America – information not available anywhere on the Internet or the financial media at that time (June 2010).

RESPONSE: DENIED BECAUSE OF THE FORM OF THE QUESTION, BUT DEFENDANT AVERS THAT THE COMPANY'S OWN PRESS RELEASES SHOWN ON THE INTERNET THEN AND NOW DETAIL THAT IT OWNS PROPERTIES WITH GOLD RESERVES, SO IT IS PUBLIC INFORMATION.

20. REQUEST FOR ADMISSION Defendant represented to Plaintiff that DNRR had secured loans from creditors that were to be repaid in gold, not dollars.

RESPONSE: **ADMIT, IN THAT, THE COMPANY'S OWN PUBLIC PRESS RELEASES DETAIL THAT THE COMPANY SECURED LOANS THAT IT WAS TO REPAY IN GOLD, NOT DOLLARS**

21. REQUEST FOR ADMISSION The Defendant did not express these loan terms as his subjective belief but as a known objective fact.

RESPONSE: **DENIED, BUT DEFENDANT AVERS THAT IT IS AN OBJECTIVE FACT THAT THE COMPANY FILED SAID STATEMENT WITH THE SEC.**

22. REQUEST FOR ADMISSION Defendant sent Plaintiff the following email message:

From: MARK [mailto:jmh@icx.net]
Sent: Tuesday, July 13, 2010 4:05 PM
To: Michael A. S. Guth, Ph.D., J.D.
Subject: Re: fidelity roth ira id

mike, again, you must have faith in me that the picks will work for you. remember that dnrr is going to be a longterm investment relatively. i was planning on buying about $50,000.00 worth of it in your roth ira. i expect it to go to $1 in a 6 to 12 month period. that will make that $50,000 grow to from $500,000 to $1 million taxfree, depending on what price we get in at. anything below 10 cents a share is a huge bargain. . . . it could easily go to $3. it could also be taken from the OTC market to the AMEX. it could also get merged into a larger company at a huge premium to today's price. in any case, i expect it to be a life-changing stock for me & all my clients. . . . remember that this news is only the tip of the iceberg. dnrr has a $30 million loan in place now. since there are only about 70 million shares outstanding, the intrinsic value of the company with that asset alone is 40 cents a share, meaning that you would make 8 times your money upon liquidation, as the funds do NOT have to be paid back in cash. the value of this one mine alone is over $200 million & it is just one of many that is being acquired with that loan. it is also traded under a different symbol in germany on the berlin exchange, as you can see. . . . the people who loaned dnrr their money are NOT banks. they want to hold bullion, not cash it in. they have lots of cash & are looking to get paid in bullion. that basically invests them totally in the company because if the company doesn't produce any bullion, they don't owe them anything. there is no recourse for them to get cash. thus, they will make SURE that bullion is produced by the company, despite all of the mumbo-jumbo you read about them not being profitable, not being viable, etc., which is required by the sec & which language is found in the vast majority of the penny stocks we trade in. remember, all penny stocks are highly volatile. you might only make 10% on some. you might make 1,000% on others. in the long run, whether you make 500% & my Mom makes 600% or my brother makes 800% on a particular stock will be immaterial. you will beP VERY satisfied with your returns, they will be FAR more than you will make elsewhere, even after splitting your profits with me, & you won't suffer the losses you've had with others. just sit back & enjoy the ride!"

RESPONSE: **I ADMIT THAT THIS STATEMENT WAS AN EMAIL, OR PART OF AN EMAIL, OR EMAILS, THAT WAS SENT TO PLAINTIFF.**

23. REQUEST FOR ADMISSION DNRR (now shown under stock symbol DDCC) owned no active, functioning gold mines and never did own gold mines. DDCC owns property on which there is some slight chance that gold might be found, but no gold has been found to date. Consequently, DDCC has zero proven gold reserves.

RESPONSE: I AM UNABLE TO ADMIT OR DENY SAME BASED ON THE FORM OF THIS REQUEST, AND THEREFORE I DENY SAME.

24. REQUEST FOR ADMISSION DDCC is a highly illiquid stock.

RESPONSE: DEFENDANT IS UNABLE TO ADMIT OR DENY THIS REQUEST BECAUSE OF THE FORM OF THE QUESTION, BUT DEFENDANT AVERS THAT DDCC TRADES SOMETIMES MILLIONS OF SHARES DAILY AND BY PLAINTIFF'S OWN ADMISSION IN COURT ON MAY 28, HE COULD'VE SOLD HIS SHARES AND MADE A PROFIT AND MITIGATED ALL OF HIS DAMAGES SINCE THIS LAWSUIT WAS FILED, SINCE HE ADMITTED HE BOUGHT THE STOCK AT 6 CENTS A SHARE OR LESS AND IT HAS SOLD AT THAT PRICE SINCE HE FILED THE LAWSUIT.

25. REQUEST FOR ADMISSION If Plaintiff now tried to sell his 3+ million shares in DDCC, he would very likely receive a selling price less than $0.01/share.

RESPONSE: DENIED, IN THAT, IT HAS CONSISTENTLY SOLD AT 2 CENTS TO 3 CENTS A SHARE FOR VIRTUALLY THE ENTIRE TIME THIS LAWSUIT HAS EXISTED, AND IT HAS TRADED AS HIGH AS 6 CENTS A SHARE WHICH WOULD HAVE RESULTED IN A PROFIT TO PLAINTIFF HAD HE SOLD HIS 3 MILLION SHARES HE CLAIMED IN COURT TO OWN.

26. REQUEST FOR ADMISSION Defendant has no document or written evidence of any kind from any source, especially not from either DNRR or its successor corporation, DDCC, that states (1) DDCC owns gold mines anywhere in the world, or (2) DDCC ever obtained a loan that was to be repaid in gold bullion.

RESPONSE: DENIED, IN THAT, THE DOCUMENTATION OF THE LOAN TO BE REPAID IN GOLD BULLION IS PART OF THE COMPANY'S PRESS RELEASES AND THEIR FILINGS WITH THE SEC, SO THAT IS PUBLIC INFORMATION.

27. REQUEST FOR ADMISSION At the time of Plaintiff's DNRR stock purchases, Defendant and his mother and his brother and other Hancock affiliated investors (such as a girlfriend) owned shares of DNRR. Plaintiff's enormous purchases of DNRR stock (purchasing 3 million shares) helped to shore up the market price for DNRR to the benefit of Defendant and his family investors.

RESPONSE: DENIED.

28. REQUEST FOR ADMISSION Plaintiff was injured by the enormous loss in value of the funds he invested in DNRR.

RESPONSE: DENIED.

29. REQUEST FOR ADMISSION Defendant held himself out to the public as an astute investment advisor doing business as Hancock & Associates.

RESPONSE: DENIED

30. REQUEST FOR ADMISSION Defendant represented himself as an astute and wealthy investment advisor to representatives of the Pellissippi State Foundation during the process of being appointed to the board and to members of the public that he solicited as investment clients at Club LeConte and elsewhere.

RESPONSE: DENIED.

Respectfully submitted this 25th day of June, 2014.

JOHN MARK HANCOCK

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been served upon Plaintiff by placing the same in the U. S. mail, postage prepaid to

on this 25th day of June, 2013.

NICHOLAS D. BUNSTINE