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12 SYMPLE LENDING, LLC

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ERIC J. TROUTMAN and
16 TROUTMAN AMIN, LLP;

17 Plaintiffs,

18 v.

19 SYMPLE LENDING LLC,

20 Defendant.

Case No.: 8:25-cv-01181-JVS-KES

**DEFENDANT SYMPLE LENDING,
LLC’S ANSWER TO PLAINTIFFS’
COMPLAINT**

District Judge: Hon. James v. Selna
Mag. Judge: Hon. Karen E. Scott
Complaint Filed: May 30, 2025

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22 Defendant Symple Lending, LLC (“Symple”) answers the Complaint filed
23 by Plaintiffs Erik M. Troutman and Troutman Amin, LLP (collectively
24 “Plaintiffs”) and asserts its affirmative defenses to the Complaint as follows:

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1 **THE PARTIES**

2 1. Symple lacks sufficient knowledge or information to admit or deny
3 the allegations in Paragraph 1, and therefore denies those allegations on that basis.

4 2. Symple lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 2, and therefore denies those allegations on that basis.

6 3. As to Paragraph 3, Symple admits it is a limited liability company
7 (and not a corporation as alleged in the Complaint) formed in Wyoming, which
8 does business in California with an office at 3351 Michelson Drive, Suite 400,
9 Irine, California. Symple denies it displays an “infringing logo” either in its offices
10 or on social media.

11 **JURISDICTION AND VENUE**

12 4. Paragraph 4 contains legal conclusions, arguments, and
13 characterizations to which no response is required.

14 5. Paragraph 5 contains legal conclusions, arguments, and
15 characterizations to which no response is required. To the extent a response is
16 required, Symple denies the allegations in Paragraph 5.

17 **GENERAL ALLEGATIONS**

18 6. As to Paragraph 6, Symple denies that Plaintiff owns an incontestable
19 Federal United States “Mark”. As the remainder of allegations in Paragraph 6,
20 Symple lacks sufficient knowledge or information to admit or deny those
21 allegations, and therefore denies those allegations on that basis.

22 7. Symple lacks sufficient knowledge or information to admit or deny
23 the allegations in Paragraph 7, and therefore denies those allegations on that basis.

24 8. Symple lacks sufficient knowledge or information to admit or deny
25 the allegations in Paragraph 8, and therefore denies those allegations on that basis.

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1 9. Paragraph 9 contains legal conclusions, arguments, and
2 characterizations to which no response is required. To the extent a response is
3 required, Symple denies the allegations in Paragraph 9.

4 10. Symple lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 10, and therefore denies those allegations on that
6 basis.

7 11. Paragraph 11 contains legal conclusions, arguments, and
8 characterizations to which no response is required. To the extent a response is
9 required, Symple denies the allegations in Paragraph 11.

10 12. Symple lacks sufficient knowledge or information to admit or deny
11 the allegations in Paragraph 12, and therefore denies those allegations on that
12 basis.

13 13. Symple lacks sufficient knowledge or information to admit or deny
14 the allegations in Paragraph 13, and therefore denies those allegations on that
15 basis.

16 14. Symple lacks sufficient knowledge or information to admit or deny
17 the allegations in Paragraph 14, and therefore denies those allegations on that
18 basis.

19 15. Symple lacks sufficient knowledge or information to admit or deny
20 the allegations in Paragraph 15, and therefore denies those allegations on that
21 basis.

22 16. Symple lacks sufficient knowledge or information to admit or deny
23 the allegations in Paragraph 16, and therefore denies those allegations on that
24 basis.

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1 17. Symple lacks sufficient knowledge or information to admit or deny
2 the allegations in Paragraph 17, and therefore denies those allegations on that
3 basis.

4 18. Symple lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 18, and therefore denies those allegations on that
6 basis.

7 19. Symple lacks sufficient knowledge or information to admit or deny
8 the allegations in Paragraph 19, and therefore denies those allegations on that
9 basis.

10 20. Symple lacks sufficient knowledge or information to admit or deny
11 the allegations in Paragraph 20, and therefore denies those allegations on that
12 basis.

13 21. Symple lacks sufficient knowledge or information to admit or deny
14 the allegations in Paragraph 21, and therefore denies those allegations on that
15 basis.

16 22. Symple lacks sufficient knowledge or information to admit or deny
17 the allegations in Paragraph 22, and therefore denies those allegations on that
18 basis.

19 23. Symple lacks sufficient knowledge or information to admit or deny
20 the allegations in Paragraph 23, and therefore denies those allegations on that
21 basis.

22 24. Symple lacks sufficient knowledge or information to admit or deny
23 the allegations in Paragraph 24, and therefore denies those allegations on that
24 basis.

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1 25. Symple lacks sufficient knowledge or information to admit or deny
2 the allegations in Paragraph 25, and therefore denies those allegations on that
3 basis.

4 26. Symple lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 26, and therefore denies those allegations on that
6 basis.

7 27. Symple lacks sufficient knowledge or information to admit or deny
8 the allegations in Paragraph 27, and therefore denies those allegations on that
9 basis.

10 28. Symple lacks sufficient knowledge or information to admit or deny
11 the allegations in Paragraph 28, and therefore denies those allegations on that
12 basis.

13 29. Symple lacks sufficient knowledge or information to admit or deny
14 the allegations in Paragraph 29, and therefore denies those allegations on that
15 basis.

16 30. Symple lacks sufficient knowledge or information to admit or deny
17 the allegations in Paragraph 30, and therefore denies those allegations on that
18 basis.

19 31. Symple lacks sufficient knowledge or information to admit or deny
20 the allegations in Paragraph 31, and therefore denies those allegations on that
21 basis.

22 32. Symple lacks sufficient knowledge or information to admit or deny
23 the allegations in Paragraph 32, and therefore denies those allegations on that
24 basis.

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1 g. Symple lacks sufficient knowledge or information to admit or deny
2 the allegations in Paragraph 34g, and therefore denies those
3 allegations on that basis.

4 35. Symple lacks sufficient knowledge or information to admit or deny
5 the allegations in Paragraph 35, and therefore denies those allegations on that
6 basis.

7 36. Symple lacks sufficient knowledge or information to admit or deny
8 the allegations in Paragraph 36, and therefore denies those allegations on that
9 basis.

10 37. Symple lacks sufficient knowledge or information to admit or deny
11 the allegations in Paragraph 37, and therefore denies those allegations on that
12 basis.

13 38. Symple lacks sufficient knowledge or information to admit or deny
14 the allegations in Paragraph 38, and therefore denies those allegations on that
15 basis.

16 39. Symple admits that it has previously used the image of the lion logo
17 reflected in paragraph 39 internally but denies that the color scheme was blue
18 except for in this instance where the logo was placed in front of a moon for a
19 Halloween internal announcement.

20 40. Symple denies it changed the color scheme of its logo to yellow and
21 gold at some point in 2025.

22 41. As to Paragraph 41, Symple admits it began using the at-issue design
23 internally in 2025. Symple denies it used the at-issue design to promote its
24 products. As to the remainder of the allegations in paragraph 41, Symple lacks
25 sufficient knowledge or information to admit or deny, and therefore denies those
26 allegations on that basis.

1 42. Symple denies it modified the at-issue design to closely mimic
2 Plaintiffs' mark.

3 43. As to Paragraph 43, Symple admits that the two images of the
4 Troutman mark and the Symple design are accurate. The remainder of Paragraph
5 43 consists of descriptions of the two images, which do not require a response. To
6 the extent a response is required, Symple denies the allegations in Paragraph 43.

7 44. Symple denies the allegations in Paragraph 44.

8 45. Symple denies the allegations in Paragraph 45.

9 46. As to Paragraph 46, Symple denies it suffers from a poor business
10 reputation, or that it is currently involved in litigation with other local businesses.
11 As to the remainder of the allegations in Paragraph 46, Symple lacks sufficient
12 knowledge or information to admit or deny, and therefore denies those allegations
13 on that basis.

14 47. Symple denies the allegations in Paragraph 47.

15 48. As to Paragraph 48, Symple denies it is a corporation. The remainder
16 of the allegations in Paragraph 48 are opinion and conjecture, which Symple lacks
17 sufficient knowledge or information to admit or deny, and therefore denies those
18 allegations on that basis.

19 49. Symple denies the allegations in paragraph 49.

20 50. Symple denies the allegations in Paragraph 50.

21 51. As to Paragraph 51, Symple denies it uses Plaintiffs' Mark to reward
22 its employees. Symple further denies its employees obtain loans from consumers.

23 52. The allegations in Paragraph 52 are opinion and conjecture, which
24 Symple lacks sufficient knowledge or information to admit or deny, and therefore
25 denies those allegations on that basis.

26 53. Symple denies the allegations in Paragraph 53.

1 54. Symple denies the allegations in Paragraph 54.

2 55. As to Paragraph 55, Symple denies it is a limited liability corporation.
3 Symple admits it cannot practice law. Symple denies the remainder of the
4 allegations contained in paragraph 55.

5 56. Symple denies the allegations in Paragraph 56.

6 57. Symple denies the allegations in Paragraph 57.

7 58. Symple denies the allegations in Paragraph 58.

8 59. Symple denies that Mr. Fraley was sentenced to eighteen months and
9 contends that the allegations in paragraph 59 are inflammatory and irrelevant as
10 they have no possible relation to the controversy.

11 60. Symple contends that the allegations in paragraph 60 are
12 inflammatory and irrelevant as they have no possible relation to the controversy.

13 61. Symple contends that the allegations in paragraph 61 are
14 inflammatory and irrelevant as they have no possible relation to the controversy.

15 62. Symple contends that the allegations in paragraph 62 are
16 inflammatory and irrelevant as they have no possible relation to the controversy.

17 63. Paragraph 63 contains arguments and characterizations to which no
18 response is required. To the extent a response is required, Symple denies the
19 allegations contained in Paragraph 63.

20 64. Paragraph 64 contains arguments and characterizations to which no
21 response is required. To the extent a response is required, Symple denies the
22 allegations contained in Paragraph 64.

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FIRST CAUSE OF ACTION

Trademark Infringement-15 U.S.C. § 1114

65. Paragraph 65 incorporates paragraphs 1 through 61 of the Complaint. Symple hereby incorporates its responses to paragraphs 1 through 61 of its Answer.

66. Symple admits Plaintiffs have not authorized Symple to use Plaintiffs' mark. Symple denies it is using the at-issue design to market or advertise itself. Symple does not know what Plaintiffs are referring to by the phrase "otherwise provide legitimacy", and as such denies that allegation.

67. Symple denies the allegations in Paragraph 67.

68. Symple denies the allegations in Paragraph 68.

69. Symple denies the allegations in Paragraph 69.

70. Paragraph 70 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 70.

71. Paragraph 71 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 71.

72. Paragraph 72 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 72.

73. Paragraph 73 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 73.

74. As to Paragraph 74, Symple denies it was aware of Plaintiffs' Mark at any time prior to being contacted by Plaintiffs. Symple denies it made any effort to

1 capitalize on Plaintiffs’ mark. The remainder of the allegations of Paragraph 74
2 contain argument and characterizations to which no response is required. To the
3 extent a response is required, Symple denies the remaining allegations in
4 Paragraph 74.

5 75. Paragraph 75 contains legal conclusions, arguments and
6 characterizations to which no response is required. To the extent a response is
7 required, Symple denies the allegations contained in Paragraph 75.

8 **SECOND CAUSE OF ACTION**

9 **False Designation of Origin-15 U.S.C. § 1125(a)**

10 76. Paragraph 76 incorporates paragraphs 1 through 72 of the Complaint.
11 Symple hereby incorporates its responses to paragraphs 1 through 72 of its
12 Answer.

13 77. Paragraph 77 contains legal conclusions, arguments and
14 characterizations to which no response is required. To the extent a response is
15 required, Symple denies the allegations contained in Paragraph 77.

16 78. Symple denies the allegations in Paragraph 78.

17 79. Paragraph 79 contains legal conclusions, arguments and
18 characterizations to which no response is required. To the extent a response is
19 required, Symple denies the allegations contained in Paragraph 79.

20 80. Paragraph 80 contains legal conclusions, arguments and
21 characterizations to which no response is required. To the extent a response is
22 required, Symple denies the allegations contained in Paragraph 80.

23 81. Paragraph 81 contains legal conclusions, arguments and
24 characterizations to which no response is required. To the extent a response is
25 required, Symple denies the allegations contained in Paragraph 81.

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FOURTH CAUSE OF ACTION

Common Law Trademark Infringement

91. Paragraph 91 incorporates paragraphs 1 through 87 of the Complaint. Symple hereby incorporates its responses to paragraphs 1 through 87 of its Answer.

92. Paragraph 92 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 92.

93. Paragraph 93 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 93.

94. Paragraph 94 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 94.

95. Paragraph 95 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 95.

96. Paragraph 96 contains legal conclusions, arguments and characterizations to which no response is required. To the extent a response is required, Symple denies the allegations contained in Paragraph 96.

FIFTH CAUSE OF ACTION

Unfair Business Practices-California Bus. And Prof. Code § 17200

97. Paragraph 97 incorporates paragraphs 1 through 93 of the Complaint. Symple hereby incorporates its responses to paragraphs 1 through 93 of its Answer.

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1 98. Paragraph 98 contains legal conclusions, arguments and
2 characterizations to which no response is required. To the extent a response is
3 required, Symple denies the allegations contained in Paragraph 98.

4 99. Paragraph 99 contains legal conclusions, arguments and
5 characterizations to which no response is required. To the extent a response is
6 required, Symple denies the allegations contained in Paragraph 99.

7 100. Paragraph 100 contains legal conclusions, arguments and
8 characterizations to which no response is required. To the extent a response is
9 required, Symple denies the allegations contained in Paragraph 100.

10 101. Paragraph 101 contains legal conclusions, arguments and
11 characterizations to which no response is required. To the extent a response is
12 required, Symple denies the allegations contained in Paragraph 101.

13 **JURY DEMAND**

14 Symple hereby demands a trial by jury.

15 **AFFIRMATIVE DEFENSES**

16 **FIRST AFFIRMATIVE DEFENSE**

17 **(Failure to State a Claim)**

18 The Complaint, in whole or in part, fails to state a claim upon which relief
19 can be granted.

20 **SECOND AFFIRMATIVE DEFENSE**

21 **(No Violation of Legal Duty)**

22 The Complaint is barred, in whole or in part, because Symple did not violate
23 any legal duty owed to Plaintiffs.

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THIRD AFFIRMATIVE DEFENSE

(Good Faith)

The Complaint, in whole or in part, is barred because Symple undertook any challenged acts or omissions, in part or in total, in good faith and in conformity with applicable orders, rulings, regulations and/or interpretations.

FOURTH AFFIRMATIVE DEFENSE

(Unjust Enrichment)

Any recovery by Plaintiffs on the Complaint against Symple would be unfair and would constitute unjust enrichment.

FIFTH AFFIRMATIVE DEFENSE

(No Damages)

Without admitting that the Complaint states a claim, there has been no damage in any amount, manner, or at all by reason of any act alleged against Symple in the Complaint.

SIXTH AFFIRMATIVE DEFENSE

(Unclean Hands)

Plaintiffs' claims are barred by the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

(No Likelihood of Confusion)

Symple asserts there is no likelihood of confusion arising out of the conduct alleged in the Complaint and any valid and enforceable trademark right owned by Plaintiffs.

EIGHTH AFFIRMATIVE DEFENSE

(No Ownership Rights)

Plaintiffs do not have ownership rights in the mark as asserted in the complaint.

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NINTH AFFIRMATIVE DEFENSE

(No Infringement)

Symple has not infringed on any U.S. Trademark Registration owned by Plaintiffs.

TENTH AFFIRMATIVE DEFENSE

(Mark Subject to Cancellation)

Plaintiff’s mark registration is subject to cancellation.

RESERVATION OF ADDITIONAL DEFENSES

Symple reserves its right to add, delete, or modify any and all defenses which may pertain to the Complaint that are now or may become available in this action through clarification or amendment of the Complaint, through discovery, through further legal analysis of Plaintiffs’ or Symple’s claims and positions in this litigation, or otherwise.

Dated: June 24, 2025

ANGELO & WHITE

By: /s/Sara Escalante
ALYSSA MILMAN WHITE, ESQ.
SARA ESCALANTE, ESQ.
Attorneys for Defendant,
SYMPLE LENDING, LLC