

## After 6.5 Years, Judge Godbey Ends The Rudolf Suter Saga. Maybe.

*By Natalie Posgate* – (Nov. 7, 2017) – He served 11 months of jail time and is about to be deported from the U.S. But goshdarnit, at least Swiss businessman Rudolf Suter has avoided paying the bulk of a \$2 million civil judgment issued against him more than six years ago.

Even longtime U.S. District Judge David Godbey, who on Monday approved Suter for supervised release and ordered his deportation, said he had never witnessed a defendant like Suter, who pleaded guilty in May to perjury in a bankruptcy fraud case that is tied to the civil judgment.



*Rudolf Suter*

“I certainly don’t think perjury is a light-hearted matter, but on the other hand, in the civil context, what’s happened to Mr. Suter is really extraordinary,” Judge Godbey said in the courtroom. “I’ve never experienced this in my 35-year career.”

Perjury is only one small knot in a tangled web of international litigation involving Suter, the former CEO of Irving-based Pro Fit Optix, who has been pursued since 2011 by Florida businessman Peter Denton over a \$2 million judgment awarded in a Swiss arbitration.

(Come on: if perjury appears to be the least of a federal judge’s worries about a case, you know it’s been a wild ride).

Suter’s 11 months in jail is not even related to his bankruptcy fraud case, but rather, is tied to a civil contempt order that Judge Godbey entered against Suter last spring.

The case ended up in Dallas in 2012 after Denton discovered Suter had moved there and, instead of paying Denton the judgment, was living a lavish Texas-sized lifestyle that provided tens-of-thousands of dollars to his wife in Switzerland each month and a half-million-dollar townhouse for his mistress in Atlanta.

After four years of refusing to comply with court orders and meet basic discovery requests, Suter boarded a flight to London the same day he was supposed to show up to a March 2016 hearing to argue to Judge Godbey why he should not be held in contempt.

Suter’s absence at the hearing resulted in Godbey issuing a warrant for his arrest, which came into play last December, when Suter attempted to return to the U.S. After deplaning a flight to New York, Suter was greeted by a federal marshal in customs, who enclosed his wrists with handcuffs.

A month later, Suter was transferred to Dallas to make an appearance at the federal courthouse, where – after a 10-month delay – Denton’s lawyers were waiting to pick up matters in their case.

But the next courtroom over, Assistant U.S. Attorney David Jarvis was also waiting for him. Jarvis served him with a criminal complaint that accused Suter of making false statements in a 2014 Chapter 7 bankruptcy filing – which Denton’s lawyers argued Suter had initiated to delay matters in their case – alleging that he had closed multiple bank accounts in the U.S. and Europe in an effort to conceal his assets for Denton’s judgment against him.

“He just didn’t handle the situation as diligently as he could have,” Gabriel Reyes,>

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Suter's publicly appointed defense lawyer, said to Judge Godbey in Monday's sentencing hearing.

But at Monday's hearing, a special agent with the IRS testified that in September 2016, Suter flew to Canada to testify in another, unrelated case where he lied under oath that he had resolved the contempt issues in Judge Godbey's court.

Suter, whose belt was visibly loose around his orange jumpsuit after 11 months of jail food, told Judge Godbey his time in prison has "changed [his] life dramatically. "I've been living in this new community... that I am not used to. There are a lot of criminals. I do not belong. I know I did a lot of things wrong, and I now know there are consequences."

Judge Godbey acknowledged that sentencing guidelines suggest that he lock Suter away for 15 to 21 months (in addition to his time already served, since his 11 months in jail are only tied to the contempt order), but, given this unique situation, Godbey said Suter's time already served from the civil case directly correlates with the criminal matter. Thus, he instead ordered Suter to undergo supervised release and begin the process of deportation back to Switzerland.

"It's very clear that the way Judge Godbey looked at it was as if this was a civil collection action gone awry," said Denton's lawyer,



*Bob Allen*

Robert Allen, who was at Monday's hearing. "He found the perjury was basically inextricably intertwined with the civil contempt. It was a pretty clear basis of why he decided the way he did."

With Suter being out of the country soon, Allen acknowledged that it will probably be difficult to ever collect on the \$2 million judgment.

"Until this case, I had no idea how far some people will go to avoid paying a [couple] million dollars," Allen said. "It would have been so much easier for him just to settle up with us in 2011 or 2012 than put everybody, including himself, what he's put everybody through."

"At any rate, it is what it is... What really remains to be seen is if he returns to living a lavish lifestyle. Will we see him on a yacht in Monte Carlo?"

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