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8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN FRANCISCO**

10
11 **COORDINATED PROCEEDINGS:**) **Coordinated Proceeding**
12) **Case No. JCCP 4441**
13 **AMERICAN INVESTORS CASES II**) **Coordination Action Judge:**
14) **Honorable Richard A. Kramer**
15 **Included Actions**) **Dept: 304**
16)
17) **ANSWER FOR ROBIN NOE**
18)
19)
20)

1 JOH EVANSON, JUANITA EZELL,)
2 DONALD and SHIRLEY MCKIBBEN,)
3 WILMA SIMONDS, CAROLYN)
4 SIMPKINS, JAMES THOMPSON and THE)
5 ESTATE OF LEO TRAVIS, by and)
6 through EXECUTRIX CHARLOTTE)
7 COOK, on behalf of themselves)
8 and all other similarly)
9 situated;

10 Plaintiffs,

11 v.

12 AMERICAN EQUITY INVESTMENT LIFE)
13 INSURANCE COMPANY, AMERISTATE,)
14 INC., AMERICAN INVESTORS LIFE)
15 INSURANCE COMPANY, ESTATE)
16 PRESERVATION, INC., ADDISON)
17 INSURANCE MARKETING, INC. (aka)
18 by the trade name as GENTRY)
19 GROUP, INC.), FAMILY FIRST)
20 ADVANCED ESTATE PLANNING GROUP)
21 LEGAL SERVICES INC., and DOES 1)
22 through 100, inclusive)

23 Defendants.

San Francisco Superior Court

Case No. CGC-04-435933

24 CHALYS M. STEPHENS & JOHN P.)
25 STEPHENS, on behalf of)
26 themselves and all other)
27 similarly situated;

28 Plaintiffs,

29 v.

AMERICAN EQUITY INVESTMENT LIFE)
INSURANCE COMPANY; ESTATE)
PLANNING & INVESTMENTS, INC.)
and DOES 1 through 100,)
inclusive)

Defendants.

San Luis Obispo Superior Court

Case No. CV 040965

1 1. Defendant generally denies each and every allegation of
2 plaintiff's complaint in accordance with Section 431.30(d) of the
3 Code of Civil Procedure.

4 **FIRST AFFIRMATIVE DEFENSE**

5 (FAILURE TO STATE A CAUSE OF ACTION)

6 2. The complaint does not contain facts sufficient to
7 state a cause of action against this defendant.

8
9 **SECOND AFFIRMATIVE DEFENSE**

10 (RUNNING OF STATUTE OF LIMITATIONS)

11 3. The complaint and each cause of action are barred
12 because they were filed after the time period allowed under CCP
13 340 et seq.

14 **THIRD AFFIRMATIVE DEFENSE**

15 (ATTORNEY'S FEES NOT RECOVERABLE)

16 4. Plaintiff is not entitled to reimbursement of
17 attorney's fees because the contract did not include such a
18 provision and there is no law that would otherwise allow them.

19 **FOURTH AFFIRMATIVE DEFENSE**

20 (INCORRECT VENUE)

21 5. Plaintiff is proceeding in the incorrect court and
22 therefore is not entitled to damages.

23 **FIFTH AFFIRMATIVE DEFENSE**

24 (LACK OF PRIVITY)

25 6. This defendant did not have an agreement with plaintiff
26 and there was no contract between them.

SERVICE LIST

Evanson, et al. v. American Equity Investment Life Insurance Company et al., San Francisco Superior Court Case No. CGC-04-435933 and Stephens, et al. v. American Equity Investment Life Insurance Company, et al., San Luis Obispo Superior Court Case No. CV040965

Counsel for Stephens, Evanson, et al., in the matter of *Evanson, et al. v. American Equity Investment Life Insurance Company, et al., San Francisco Superior Court Case No. CGC-04-435933; Stephens, et al. v. American Equity Investment Life Insurance Company, et al., San Luis Obispo Superior Court Case No. CV040965:*

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1 **SERVICE LIST, CONT.**

2 *Evanson, et al. v. American Equity Investment Life Insurance Company et al., San Francisco*
3 *Superior Court Case No. CGC-04-435933 and Stephens, et al. v. American Equity Investment Life*
4 *Insurance Company, et al., San Luis Obispo Superior Court Case No. CV040965*

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19 ***Equity Investment Life Insurance Company, et al., San Luis Obispo Superior Court Case No.***
20 ***CV040965:***

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25 **Defendant**

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SERVICE LIST, CONT.

Evanson, et al. v. American Equity Investment Life Insurance Company et al., San Francisco Superior Court Case No. CGC-04-435933 and Stephens, et al. v. American Equity Investment Life Insurance Company, et al., San Luis Obispo Superior Court Case No. CV040965

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