

FILED

FEB 23 2005

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SAN LUIS OBISPO SUPERIOR COURT
BY Sonia Rodriguez
Sonia Rodriguez, Deputy Clerk

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

10 CHALYS M. STEPHENS & JOHN P.)
11 STEPHENS, on behalf of)
12 themselves and all other)
13 similarly situated;)

14 Plaintiffs,)

15 v.)

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

21 Defendants.)

Case No. CV 040965

Action Filing Date: 11/12/2004

Assigned to Hon. Douglas Hilton

**ANSWER FOR ESTATE PLANNING AND
INVESTMENTS, INC.**

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

25 **FIRST AFFIRMATIVE DEFENSE**

26 (FAILURE TO STATE A CAUSE OF ACTION)

27 2. The complaint does not contain facts sufficient to
28 state a cause of action against this defendant.
29

1 EIGHTH AFFIRMATIVE DEFENSE

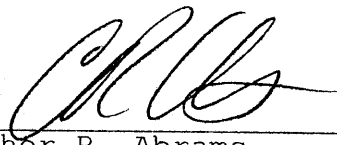
2 (ESTOPPEL)

3 9. plaintiff acted in such a way as to cause this
4 defendant to believe this plaintiff would not file suit and
5 defendant relied on those actions or representations.

6
7 WHEREFORE, the defendant requests that:

- 8 1. Plaintiff take nothing by this action;
9 2. A judgement of dismissal be entered in favor of the
10 defendant;
11 3. Defendant be awarded the costs of suit incurred; and
12 4. Defendant be awarded any other and further relief the
13 court considers proper.

14
15 Dated: 2/21/05

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17 _____
18 Christopher R. Abrams
19 Attorney for Defendant
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