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

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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 EPICO INSURANCE**  
18 ) **AGENCY, INC.**  
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JOH EVANSON, JUANITA EZELL,  
DONALD and SHIRLEY MCKIBBEN,  
WILMA SIMONDS, CAROLYN  
SIMPKINS, JAMES THOMPSON and THE  
ESTATE OF LEO TRAVIS, by and  
through EXECUTRIX CHARLOTTE  
COOK, on behalf of themselves  
and all other similarly  
situated;

Plaintiffs,

v.

AMERICAN EQUITY INVESTMENT LIFE  
INSURANCE COMPANY, AMERISTATE,  
INC., AMERICAN INVESTORS LIFE  
INSURANCE COMPANY, ESTATE  
PRESERVATION, INC., ADDISON  
INSURANCE MARKETING, INC. (aka  
by the trade name as GENTRY  
GROUP, INC.), FAMILY FIRST  
ADVANCED ESTATE PLANNING GROUP  
LEGAL SERVICES INC., and DOES 1  
through 100, inclusive

Defendants.

San Francisco Superior Court

Case No. CGC-04-435933

CHALYS M. STEPHENS & JOHN P.  
STEPHENS, on behalf of  
themselves and all other  
similarly situated;

Plaintiffs,

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.

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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

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

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4            **Counsel for Stephens, Evanson, et al., in the matter of *Evanson, et al. v. American Equity***  
5            ***Investment Life Insurance Company, et al., San Francisco Superior Court Case No. CGC-04-***  
6            ***435933; Stephens, et al. v. American Equity Investment Life Insurance Company, et al., San***  
6            ***Luis Obispo Superior Court Case No. CV040965:***

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20           ***Superior Court Case No. CGC-04-435933; Stephens, et al. v. American Equity Investment Life***  
20           ***Insurance Company, et al., San Luis Obispo Superior Court Case No. CV040965:***

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22           Fletcher C. Alford #152314  
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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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**Counsel for Gentry Group, Inc. dba in California as Addison Insurance Marketing, Inc., 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:***

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**Counsel for Estate Planning & Investments, Inc., in the matter of *Stephens, et al. v. American Equity Investment Life Insurance Company, et al., San Luis Obispo Superior Court Case No. CV040965:***

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**Defendant**

EPI – Estate Planning, Inc.  
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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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**Counsel for American Equity Investment Life Insurance Company, 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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