

IN THE
19th JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NO: 377713

DIVISION "M"

DONALD W. ABSHIRE AND THE OTHER
PETITIONERS NAMED HEREIN

VS.

THE STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF
INSURANCE OF THE STATE OF LOUISIANA; THE DEPARTMENT OF
INSURANCE OF THE STATE OF LOUISIANA;
THE STATE OF LOUISIANA, THROUGH THE OFFICE OF FINANCIAL
INSTITUTIONS OF THE STATE OF LOUISIANA; THE OFFICE OF FINANCIAL
INSTITUTIONS OF THE STATE OF LOUISIANA;
AND STANDARD ANALYTICAL SERVICE, INC.

CERTIFIED TRUE COPY

55-206499

FILED

DEPUTY CLERK OF COURT

DEPUTY CLERK

FOURTH AMENDMENT TO PETITION FOR DAMAGES

19th JUDICIAL DISTRICT
PARISH OF EAST BATON ROUGE PARISH

FILED

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DEPUTY CLERK RECORDER FOR

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NOW INTO COURT, through the undersigned counsel, come the
Petitioners referenced in Paragraph 1 below ("Petitioners"), all being either
persons of the full age of majority or entities authorized by law to
maintain legal actions, and all being either policyholders, annuity holders,
noteholders, equity owners, or holders of some other financial interest in,
or affected by, Public Investors Life Insurance Company and/or Midwest
Life Insurance Company, and/or Public Investors, Inc., who respectfully
represent that the Petitioners desire to further amend the original Petition
for Damages filed in this matter as follows:

1.

By amending and adding hereto, as additional Petitioners, those
additional persons and entities listed on the document attached hereto as
Exhibit H, which is incorporated by reference herein for all purposes. All
persons and entities previously named as Petitioners by original Exhibit A
and Exhibit E and Exhibit F to the First Amendment to the Petition for
Damages filed herein shall remain as Petitioners for all purposes in this

2/6/92
10/22/91

action, and original Exhibit A, Exhibit E, Exhibit F, Exhibit G, Exhibit F and Exhibit H are also incorporated herein for the purpose of identifying Petitioners in this action.

2.

By amending and supplementing all reference to the term "Petitioners" in the original Petition for Damages, and in the First Amendment to Petition for Damages, so that the term will include all those person and entities listed on original Exhibit A and Exhibit E to the original Petition for Damages, and Exhibit F attached to the First Amendment to Petition for Damages, Exhibit G to the Second Amendment to Petition for Damages, Exhibit H attached to the Third Amendment to Petition for Damages, and Exhibit I attached to this Fourth Amendment to Petition for Damages.

3.

By amending and supplementing the Prayer for relief to include an identical prayer on behalf of all persons and entities listed on original Exhibit A and Exhibit E, and Exhibit F attached to the First Amendment to Petition for Damages, Exhibit G to the Second Amendment to Petition for Damages, Exhibit H attached to the Third Amendment to Petition for Damages, and Exhibit I attached to this Fourth Amendment to Petition for Damages.

4.

By reiterating, re-averring and re-alleging each and every other allegation and prayer of the original Petition, and the First Amendment to Petition for Damages (which are all incorporated herein, including all exhibits thereto), except as amended, altered and supplemented by this Fourth Amendment to Petition for Damages.

Wherefore, Petitioners pray that this Fourth Amendment to Petition for Damages be filed and that both the original Petition, the First Amendment to Petition for Damages be altered, amended and/or supplemented accordingly, and that the Defendants be served with a certified copy of this Fourth Amendment to Petition for Damages and duly cited to appear and answer same and that the acts and omissions of Defendants, as described herein, entitle the Petitioners to a judgment against the Defendants jointly, severally and in solido, as follows:

- (a) Rescinding their purchases of insurance policies, annuities, notes, and any other interest held by any equity owners, or holders of some other financial interest, as the case may be, awarding them restitution of all monies tendered and consideration paid therefor, and ordering legal interest from the date the consideration was paid by each Petitioner; and
- (b) Alternatively, for all damages, including, but not limited to, the following:
 - (i) Loss of insurability by certain Petitioners who became uninsurable over an extended period of time during which Defendants continued to engage in acts and omissions as herein alleged, and concealment by the Defendants of the financial condition of the insurance companies named herein;
 - (ii) Loss of payment of insurance and annuity proceeds and other amounts due and payable, as a consequence of the occurrence of events covered by insurance and annuity contracts between certain petitioners and the insurance companies referred to herein;
 - (iii) Loss of cash values and any other amounts (together with any and all additions thereto, including, but not limited to, dividends and interest) accrued under and in accordance with insurance and annuity contracts between certain Petitioners and the insurance companies referred to herein;
 - (iv) Loss of premiums and any other consideration paid for all insurance and annuity contracts that were in fact worthless when purchased or which became worthless during such time periods that the companies named herein were hopelessly insolvent and during which time period such insolvency was concealed by the Defendants and/or such companies were misrepresented by the Defendants to be solvent thereby causing and/or inducing Petitioners to pay said premiums;
 - (v) Loss of principal and any other consideration invested in annuity contracts and income and additions accrued and accumulated on said amount or amounts invested in annuity contracts issued by the insurance companies referred to herein to certain Petitioners;
 - (vi) Loss of principal and any other consideration invested in notes and other securities, instruments, and contracts together with all income and additions accrued and accumulated

on or in connection with same) between certain Petitioners and companies referred to herein;

- (vii) Impairment of the financial condition and credit worthiness of certain Petitioners;
- (viii) Losses of homes, farms, businesses, income, profits and any and all immovable and movable property by certain Petitioners resulting from the financial ruin of these certain Petitioners due to the failure and collapse of the companies named herein;
- (ix) Damages to financial standing and reputation of certain of the Petitioners;
- (x) Pain, suffering, embarrassment, humiliation, emotional distress, and mental anguish resulting from the financial chaos and ruin experienced by the Petitioners;
- (xi) Loss of principal, dividends, and interest in connection with any interest of any equity owners, or holders of some other financial interest in, or effected by, Public Investors Life Insurance Company and/or Public Investors, Inc.
- (xii) Any and all other damages of every nature and kind suffered and to be suffered by petitioners as a consequence of the acts and omissions of the Defendants.

Petitioners also pray for Judgment against the Defendants jointly, severally, and in solido for attorney's fees, judicial interest, costs, and all expenses of these proceedings and for any and all other general and equitable relief.

WHEREFORE, the Petitioners pray that there be judgment for monetary damages in their favor and against the Defendants, and for such other and further relief as law, equity and the nature of the case may require.

The Petitioners respectfully pray for a trial by jury, to the full extent permitted by law.

Respectfully submitted, this 20th day of October, 1992.

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ATTORNEYS FOR THE PETITIONERS

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SERIALS I

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EXHIBIT I
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Brian	Eschette	3751 Derbigny Street	Metairie	LA	70001	Jefferson
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Mary E. Schully	Falgout	3737 Essen Lane #4	Baton Rouge	LA	70809	E. Baton Rouge
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Robert Carroll	Hale, deceased	611 Edgewood Drive	Pineville	LA	71360	Rapides
Robert Carroll	Hale, Succession of	611 Edgewood Drive	Pineville	LA	71360	Rapides
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Hilda Mae	Nyer	603 Parent Street	New Roads	LA	70760	Pointe Coupee
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Col. Ret. Stanley E.	Scarborough, Succession of	8518 Wilderness Way	Shreveport	LA	71106	Caddo
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Howard C.	Sheridan	713 W. 17th Street	Nogalousa	LA	70427	Washington
Bollie C.	Sheridan	713 W. 17th Street	Nogalousa	LA	70427	Washington
Brent A.	Simoneaux	134 River Oak Drive	Luling	LA	70070	St. Charles
Hart A.	Simoneaux	134 River Oak Drive	Luling	LA	70070	St. Charles
Melissa A.	Simoneaux	134 River Oak Drive	Luling	LA	70070	St. Charles
Gerald A.	Simoneaux	134 River Oak Drive	Luling	LA	70070	St. Charles
Angela Corley	Smith	P. O. Box 702	Jena	LA	71342	LaSalle
Guy Marie	Smith	2356 Laurelwood Drive	Baton Rouge	LA	70816	E. Baton Rouge
Angela C.	Smith	P. O. Box 702	Jena	LA	71342	LaSalle
David	Smith	700 Fourth Street	Luling	LA	70070	St. Charles
Eric W.	Spencer	3906 Haywood	Alexandria	LA	71302	Rapides
Reborah E.	Spencer	3906 Haywood	Alexandria	LA	71302	Rapides
Beverly	Spencer	3006 Adams Ave.	Baton Rouge	LA	70802	E. Baton Rouge
Joseph	Spencer, Jr.	3006 Adams Ave.	Baton Rouge	LA	70802	E. Baton Rouge

EXHIBIT

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FIRST NAME	LAST NAME	ADDRESS	CITY	STATE	ZIP	PARISH
Dorothy Mae	Stephens	12238 N. Wenderover Drive	Baton Rouge	LA	70014	E. Baton Rouge
Torrence J.	Stephens	12239 N. Wenderover Drive	Baton Rouge	LA	70014	E. Baton Rouge
Torrence James	Stephens	12239 N. Wenderover Drive	Baton Rouge	LA	70014	E. Baton Rouge
Rosa S.	Stewart, Treasurer	521 Baptist Street	Pineville	LA	71360	Rapides
Hilton Ronald	Stott	P. O. Box 87	Slaughter	LA	70777	E. Feliciana
John Howard	Stott	P. O. Box 87	Slaughter	LA	70777	E. Feliciana
Jerry Wayne	Stott	P. O. Box 87	Slaughter	LA	70777	E. Feliciana
Niania Lee	Summerville	Rt. 3, Box 69-89	Northorne	TX	32640	Alachua
Benjamin Clair	Summerville	Rt. 3, Box 69-89	Northorne	TX	32640	Alachua
Lawrence Edward	Sweet	1707 Beco Town Road	New Iberia	LA	70360	Iberia
Estelle V.	Taylor	3212 Blanchard Road	Shreveport	LA	71103	Caddo
G. C.	Thompson	361 Alexandria Hwy.	Leesville	LA	71446	Vernon
George C.	Thompson	361 Alexandria Hwy.	Leesville	LA	71446	Vernon
Mary D.	Thompson	361 Alexandria Hwy.	Leesville	LA	71446	Vernon
R. H.	Thornton, Jr.	Rt. 4, Box 906	Moss Bluff	LA	70611	Calcasieu
Arnold J.	Traban	Rt. 3, Box 753	Maurice	LA	70555	Vernilion
Sandra C.	Traban	Rt. 3, Box 753	Maurice	LA	70555	Vernilion
Richard Anthony	Usser, Sr.	5616 York Street	Metairie	LA	70003	Jefferson
Christopher S.	Utecht	446 Tiffany Trail	Richardson	TX	75081	Dallas
Sileen M.	Wagner	3046 S. Fremont	Springfield	MO	65907	Greene
Robert C.	Wagner	5208 Fieldcrest Ave.	Alexandria	LA	71303	Rapides
Lucille W.	Wallace	1727 Audubon	Shreveport	LA	71105	Caddo
Christola Lockhart	Walton	613 District Drive	Minden	LA	71055	Webster
James Albert	Walton	613 District Drive	Minden	LA	71055	Webster
Kenneth Anthony	Warino	P. O. Box 355	Belle Chase	LA	70037	Plaquemines
Carol Jean	Warino	P. O. Box 355	Belle Chase	LA	70037	Plaquemines
Susan Mary	Warino	P. O. Box 355	Belle Chase	LA	70037	Plaquemines
Angelo S.	Warino	P. O. Box 355	Belle Chase	LA	70037	Plaquemines
Lola Bell Nicholson	Welsh	4541 Parkdale Drive	Shreveport	LA	71108	Caddo
Karl R.	Wendt	257 Suzanne Drive	Shreveport	LA	71115	Caddo
Alice J.	Westbrook	Star Rt. Box 14A	Ray Springs	MS	39422	Kemper
Marie E.	Whitley	5524 Navaho Trail	Alexandria	LA	71301	Rapides
Lloyd W.	Whitley	5524 Navaho Trail	Alexandria	LA	71301	Rapides
Jill Denise	White	407 Chandler Drive	Pineville	LA	71360	Rapides
Janson E.	White	22524 N. Palmer Lane	Port Allen	LA	70767	W. Baton Rouge
Karla H.	White	22524 N. Palmer Lane	Port Allen	LA	70767	W. Baton Rouge
Germaine F.	Williams	P. O. Box 733	Opelousas	LA	70571	St. Landry
Daniel	Wilson	1014 Ciro Street	Morgan City	LA	70380	St. Mary
Martha	Wilson	1014 Ciro Street	Morgan City	LA	70380	St. Mary
Virginia K.	Wilson	601 Thompson Street	Bossier City	LA	71111	Bossier
Robert L.	Wilson	601 Thompson Street	Bossier City	LA	71111	Bossier
Roger S.	Young	10142 Nanka Drive	Houston	TX	77043	Harris
Roger Blake	Young	10142 Nanka Drive	Houston	TX	77043	Harris
R. Blake	Young	10142 Nanka Drive	Houston	TX	77043	Harris