

IN THE  
9th JUDICIAL DISTRICT COURT  
PARISH OF RAPIDES  
STATE OF LOUISIANA

NO: 166,755

DIVISION " "

DONALD W. ABSHIRE AND THE OTHER  
PETITIONERS NAMED HEREIN

VS.

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

FILED: \_\_\_\_\_

DEPUTY CLERK

RECORDED  
INDEXED  
COURT  
27 JAN 11 AM 10 54  
CLERK

**SECOND AMENDMENT TO PETITION FOR DAMAGES**

NOW INTO COURT, through the undersigned counsel, come the Petitioners referenced in Paragraph 2 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 effected 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 the original Petition for Damages and the First Amendment to Petition for Damages by substituting a new paragraph 3.a in total as follows:

Damages were sustained by numerous of these Petitioners and/or the cause of action arose in Rapides Parish, Louisiana, and venue is proper therein as to all defendants.

2.

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

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

3.

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 persons and entities listed on original Exhibit A, Exhibit E to the First Amendment to Petition for Damages and the Exhibit F to this Second Amendment to Petition for Damages.

4.

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, Exhibit E attached to the First Amendment to Petition for Damages and the Exhibit F attached to this Second Amendment to Petition for Damages.

5.

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 both incorporated herein, including all exhibits thereto), except as amended, altered and supplemented by this Second Amendment to Petition for Damages.

Wherefore, Petitioners pray that this Second Amendment to Petition for Damages be filed and that both the original Petition and 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 Second 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 Midwest 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 11<sup>th</sup> day of March, 1992.

*David P. Smith*

---

DAVID P. SMITH (#12159)  
PERCY, SMITH, FOOTE & HONEYCUTT  
P. O. Box 1632  
720 Murray Street  
Alexandria, Louisiana 71309-1632  
Telephone : (318) 445-4480

*John Gregory Odom by OPS*

---

JOHN GREGORY ODOM(#1109)  
LAMOthe, HAMILTON & ODOM  
Pan American Life Center  
601 Poydras Street, Suite 2750  
New Orleans, Louisiana 70130  
Telephone: (504) 566-1805

ATTORNEYS FOR THE PETITIONERS

**PLEASE SERVE:**

**THE STATE OF LOUISIANA** through the Department of Insurance by serving James H. "Jim" Brown, its Commissioner, Baton Rouge, Louisiana.

**DEPARTMENT OF INSURANCE OF THE STATE OF LOUISIANA** by serving James H. "Jim" Brown, its Commissioner, Baton Rouge, Louisiana.

**THE STATE OF LOUISIANA**, through the Commissioner of the Office of Financial Institutions by serving Larry L. Murray, its Commissioner, Baton Rouge, Louisiana.

**OFFICE OF FINANCIAL INSTITUTIONS OF THE STATE OF LOUISIANA**, by serving Larry L. Murray, its Commissioner, Baton Rouge, Louisiana.

**LOUISIANA INSURANCE GUARANTY ASSOCIATION**, through its Agent for

Service, Ronald A. Reibe, 4150 South Sherwood Forest Boulevard, Baton Rouge, LA 70816.

**STANDARD ANALYTICAL SERVICE, INC.**, by serving John B. La Macchia, Jr., First National Bank, 7707 Forsyth, St. Louis, MO 63105.

**STANDARD ANALYTICAL SERVICE, INC.**, through the Secretary of State for the State of Louisiana, Baton Rouge, Louisiana.

**STANDARD ANALYTICAL SERVICE, INC.**, through their attorney of record, Herschel E. Richard, Jr., Cook, Yancey, King & Galloway, 1700 Commercial National Tower, Shreveport, LA 71120-2260.

**THE STATE OF LOUISIANA** by serving its Attorney General, Richard Ieyoub, Baton Rouge, Louisiana.

D. Smith

IN THE  
9th JUDICIAL DISTRICT COURT  
PARISH OF RAPIDES  
STATE OF LOUISIANA

NO: 166,755

DIVISION " "

DONALD W. ABSHIRE AND THE OTHER  
PETITIONERS NAMED HEREIN  
VS.

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

FILED: \_\_\_\_\_

DEPUTY CLERK

ORDER

Let the foregoing Second Amendment to Petition for Damages be filed as  
prayed for.

Alexandria, Louisiana, this the 11 day of March, 1992.

*William P. Peltz*  
\_\_\_\_\_  
JUDGE

FILED & RECORDED  
BY ROBERT L. STEWART  
CLERK OF COURT  
'92 MAR 11 PM 2 40  
BY *Robert L. Stewart*  
DY CLERK & RECORDER  
RAPIDES PARISH LA.

STATE OF LOUISIANA  
PARISH OF RAPIDES  
I HEREBY CERTIFY THAT THE ABOVE AND  
FOREGOING IS A TRUE AND CORRECT  
COPY OF THE ORIGINAL ON FILE AND OF  
RECORD IN THIS OFFICE.  
IN FAITH WHEREOF, WITNESS MY HAND  
AND SEAL OF OFFICE, AT ALEXANDRIA,  
LOUISIANA, THIS 12 DAY OF March  
A. D. 19 92 ROBERT L. STEWART  
CLERK OF COURT  
BY *Robert L. Stewart*  
DY. CLERK OF COURT

FIRST NAME	LAST NAME	ADDRESS	CITY	ST	ZIP	PARISH
Myles K. Gaupp, M.D.	A Professional Medical Corporation	8651 River Road	Destrehan	LA	70047	St. Charles
Margaret R. Manning	Balser	10300 Timberwood Circle	Louisville	KY	40223	Jefferson
Margaret R.	Balser	10300 Timberwood Circle	Louisville	KY	40223	Jefferson
John R.	Balser, Sr.	10300 Timberwood Circle	Louisville	KY	40223	Jefferson
Dorothy	Bonner	1515 Sikes Street	Ruston	LA	71270	Lincoln
Priscilla M.	Borden, as Co-Trustee for Anchor Trust	3815 Chanel Road	Annandale	VA	22003	Fairfax
Phyllis G.	Bourgeois	Rt. 1, Box 574	Reserve	LA	70084	St. John the Baptist
Phyllis Ann Granier	Bourgeois	Rt. 1, Box 574	Reserve	LA	70084	St. John the Baptist
G. J.	Bourgeois, Jr.	Rt. 1, Box 574	Reserve	LA	70084	St. John the Baptist
Gustave J.	Bourgeois, Jr.	Rt. 1, Box 574	Reserve	LA	70084	St. John the Baptist
Gustave Joseph	Bourgeois, Jr.	Rt. 1, Box 574	Reserve	LA	70084	St. John the Baptist
Brenda	Butler	533 Welham Loop	LaPlace	LA	70068	St. John the Baptist
Harris	Butler	533 Welham Loop	LaPlace	LA	70068	St. John the Baptist
Harris Knox	Butler, Jr.	533 Welham Loop	LaPlace	LA	70068	St. John the Baptist
Robert and Joyce	Causey	1612 Hwy. 165 S.	Columbia	LA	71418	Caldwell
Joyce	Causey	1612 Hwy. 165 S.	Columbia	LA	71418	Caldwell
Robert H.	Causey	1612 Hwy. 165 S.	Columbia	LA	71418	Caldwell
Robin	Causey	1612 Hwy. 165 S.	Columbia	LA	71418	Caldwell
Robert	Causey	1612 Hwy. 165 S.	Columbia	LA	71418	Caldwell
Denise Bourg	Cavallero	55 Laurel Ct.	Luling	LA	70070	St. Charles
Denise	Cavallero	55 Laurel Ct.	Luling	LA	70070	St. Charles
Denise B.	Cavallero	55 Laurel Ct.	Luling	LA	70070	St. Charles
Harold	Cavallero, Jr.	55 Laurel Ct.	Luling	LA	70070	St. Charles
H. J.	Cavallero, Jr.	55 Laurel Ct.	Luling	LA	70070	St. Charles
Harold John	Cavallero, Jr.	55 Laurel Ct.	Luling	LA	70070	St. Charles
Beverly	Chamberlain	704 Carondelet Street	New Orleans	LA	70130-3774	Orleans
Wilmer	Chamberlain	1759 Acadian Drive	Houma	LA	70363	Terrebonne
Beverly	Chamberlain	1759 Acadian Drive	Houma	LA	70363	Terrebonne
Wilmer & Beverly	Chamberlain	704 Carondelet Street	New Orleans	LA	70130-3774	Orleans
Wilmer	Chamberlain	704 Carondelet Street	New Orleans	LA	70130-3774	Orleans
Robia I.	Davis	P. O. Box 3326	Topsail Beach	NC	28445	Onslow
Nancy Dell	Davis	414 West Craig St.	Tallulah	LA	71282	Madison
Maurice Aundra	Davis	414 West Craig St.	Tallulah	LA	71282	Madison
Robia I.	Davis, Representative for the Estate of Robert L. Ivy, Jr., Deceased	P. O. Box 3326	Topsail Beach	NC	28445	Onslow
Miriam G.	Gaspard	P. O. Drawer 2908	Lafayette	LA	70502	Lafayette
Ella Wayne	Gaupp	8651 River Road	Destrehan	LA	70047	St. Charles
Myles K.	Gaupp, M.D.	8651 River Road	Destrehan	LA	70047	St. Charles
Estate of Robert L.	Ivy, Jr.	P. O. Box 3326	Topsail Beach	NC	28445	Onslow
Robert L.	Ivy, Jr.	P. O. Box 3326	Topsail Beach	NC	28445	Onslow
Robert L.	Ivy, Jr., Deceased	P. O. Box 3326	Topsail Beach	NC	28445	Onslow
Stephanie Anne Gaupp	Johnson	393 Fairway Drive	Laplace	LA	70068	St. John the Baptist
Nora	Joseph	1411 West Street	Jennings	LA	70546	Jefferson Davis
Prince F.	Joseph	1411 West Street	Jennings	LA	70546	Jefferson Davis
Nora J.	Joseph	1411 West Street	Jennings	LA	70546	Jefferson Davis
Ronald	Kennair	114-A Lartique St.	Belle Chasse	LA	70037	Plaquemines
Valley M.	LeBoeuf	214 Lirette	Houma	LA	70360-8020	Terrebonne
Robert P.	LeBoeuf	214 Lirette	Houma	LA	70360-8020	Terrebonne
Malbert J.	Lewis	306 N. Franklin	Lake Charles	LA	70601	Calcasieu
Malbert	Lewis	306 N. Franklin Street	Lake Charles	LA	70601	Calcasieu
Bernadine	Miner	3163 Masonic Drive	Alexandria	LA	71301	Rapides
Ronnie	Miner	3163 Masonic Drive	Alexandria	LA	71301	Rapides
Helen C.	Norman	524 Smith Drive	Metairie	LA	70005	Jefferson

FIRST NAME	LAST NAME	ADDRESS	CITY	ST	ZIP	PARISH
Linda C.	Norman	524 Smith Drive	Metairie	LA	70005	Jefferson
Thomas R.	Norman	524 Smith Drive	Metairie	LA	70005	Jefferson
Eric T.	Norman	524 Smith Drive	Metairie	LA	70005	Jefferson
Abel J.	Orgeron	343 Hwy. 652	Raceland	LA	70394	Lafourche
Linda B.	Orgeron	343 Hwy. 652	Raceland	LA	70394	Lafourche
William	Pharr	P. O. Box 1603	Gray	LA	70359	Terrebonne
Nequita	Pharr	P. O. Box 1603	Gray	LA	70359	Terrebonne
Agnes	Prescott	Rt. 3, Box 45-P	Opelousas	LA	70570	St. Landry
Agnes L.	Prescott	Rt. 3, Box 45-P	Opelousas	LA	70570	St. Landry
Floyd G.	Prescott	Rt. 3, Box 45-P	Opelousas	LA	70570	St. Landry
Warren	Prescott	Rt. 3, Box 45-P	Opelousas	LA	70570	St. Landry
Rosalie H.	Richardson	700 West Bonaire Drive	Lafayette	LA	70506	Lafayette
Ch. G. Robert	Richardson	700 West Bonaire Drive	Lafayette	LA	70506	Lafayette
G. Robert	Richardson	700 West Bonaire Drive	Lafayette	LA	70506	Lafayette
George Robert	Richardson	700 West Bonaire Drive	Lafayette	LA	70506	Lafayette
Olanda Planche	Scott	Rt. 2, Box 292	Baker	LA	70714	East Baton Rouge
Ronald Clyde	Scott	Rt. 2, Box 292	Baker	LA	70714	East Baton Rouge
Ronald	Scott	Rt. 2, Box 292	Baker	LA	70714	East Baton Rouge
Thelma R. Davis	Scott	Rt. 2, Box 292	Baker	LA	70714	East Baton Rouge
Olanda	Scott	Rt. 2, Box 292	Baker	LA	70714	East Baton Rouge
Patsy	Selby	3452 Somerset Dr.	New Orleans	LA	70131	Orleans
Lauren M.	Selby	3452 Somerset Dr.	New Orleans	LA	70131	Orleans
Randi M.	Selby	3452 Somerset Dr.	New Orleans	LA	70131	Orleans
Nicholas A.	Selby	3452 Somerset Dr.	New Orleans	LA	70131	Orleans
Patricia	Selby	3452 Somerset Dr.	New Orleans	LA	70131	Orleans
Eddie	Selby	3452 Somerset Dr.	New Orleans	LA	70131	Orleans
Patricia D.	Selby	3452 Somerset Dr.	New Orleans	LA	70131	Orleans
Edward L.	Selby	3452 Somerset Drive	New Orleans	LA	70131	Orleans
Edward L.	Selby, Jr.	3452 Somerset Dr.	New Orleans	LA	70131	Orleans
Srecka G.	Taliancich	P. O. Box 558	Empire	LA	70050	Plaquemines
Srecka	Taliancich	P. O. Box 558	Empire	LA	70050	Plaquemines
Ivan J.	Taliancich	P. O. Box 558	Empire	LA	70050	Plaquemines
Louise W.	Talley	9137 Mansfield Rd. #91	Shreveport	LA	71118	Caddo
Janet	Talley	3500 Maywood #8	Shreveport	LA	71108	Caddo
Terrance Tyvonne	Thompson	Rt. 1, Box 96	Saline	LA	71070	Bienville
Valerie Annette	Thompson	Rt. 1, Box 96	Saline	LA	71070	Bienville
Eula M.	Thompson	Rt. 1, Box 96	Saline	LA	71070	Bienville
Eula Maude	Thompson	Rt. 1, Box 96	Saline	LA	71070	Bienville
Robert	Thompson	Rt. 1, Box 96	Saline	LA	71070	Bienville
Robert Lee	Thompson	Rt. 1, Box 96	Saline	LA	71070	Bienville
Lois C.	Thorning	717 Hancock Street	Gretna	LA	70053	Jefferson
Nancy	Thorning	717 Hancock Street	Gretna	LA	70053	Jefferson
Marvin M.	Thorning	717 Hancock Street	Gretna	LA	70053	Jefferson
Nancy L.	Thorning	717 Hancock Street	Gretna	LA	70053	Jefferson
Russell	Turrentine	P. O. Box 12968	Alexandria	LA	71315-2968	Rapides
Russell W.	Turrentine	P. O. Box 12968	Alexandria	LA	71315-2968	Rapides
Gwen	Turrentine	P. O. Box 12968	Alexandria	LA	71315-2968	Rapides
Verna S.	Turrentine	P. O. Box 12968	Alexandria	LA	71315-2968	Rapides
R. L.	Wallace	515 7th S.E.	Springhill	LA	71075	Webster
Sally	Wallace	515 7th S.E.	Springhill	LA	71075	Webster
Horace	Wallace	515 7th S.E.	Springhill	LA	71075	Webster
Tommy L.	Wallace	P. O. Box 14	Dubberly	LA	71024	Webster
Odella Adams	Wallace	P. O. Box 14	Dubberly	LA	71024	Webster
Carlos Torres	Wallace	P. O. Box 14	Dubberly	LA	71024	Webster
Cher Ja Dina	Wallace	P. O. Box 14	Dubberly	LA	71024	Webster
Odella Louise Adams	Wallace	P. O. Box 14	Dubberly	LA	71024	Webster
Horace and Sally	Wallace	515 7th S.E.	Springhill	LA	71075	Webster



FIRST NAME	LAST NAME	ADDRESS	CITY	ST	ZIP	PARISH
Dorothy B.	Youman	3400 N. Thomas Street	Arlington	VA	22207	Arlington
Capt. H.R.	Youman, Jr.	3400 N. Thomas Street	Arlington	VA	22207	Arlington
Harold	Youman, Jr.	3400 N. Thomas Street	Arlington	VA	22207	Arlington
Capt. H.R. & Dorothy B.	Youman, Jr.	3400 N. Thomas Street	Arlington	VA	22207	Arlington
Roger	Young	10142 Hanka Drive	Houston	TX	77043	Harris
David	Champagne	P.O. Box 4233	Houma	LA	70361	Terrebonne
Bruce	Odom	308 Town and Country Rd.	Alexandria	LA	71302	Rapides
Wanda Beth	Edwards	2317 Waverly Drive	Bossier City	LA	71111	Bossier
Ernest Lenier	Edwards	601 Poydras, 22nd Floor	New Orleans	LA	70130	Orleans
Emily	Edwards	601 Poydras, 22nd Floor	New Orleans	LA	70130	Orleans
Laura	Edwards	601 Poydras, 22nd Floor	New Orleans	LA	70130	Orleans
Kathryn	Edwards	601 Poydras, 22nd Floor	New Orleans	LA	70130	Orleans