

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

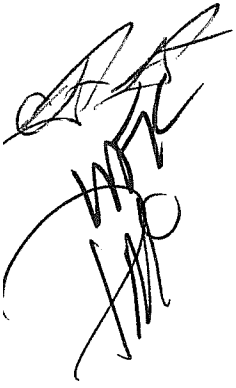
NO. 2002 CA 1946

KIRBY J. KLEIN AND CAROLYN KLEIN HAIL  
AND THE ESTATE OF PHILIP B. KLEIN

VERSUS

AMERICAN LIFE AND CASUALTY COMPANY,  
AMERICAN ESTATE SERVICES, INC.  
A/K/A ADVANCED LEGAL SYSTEMS, INC.,  
BRIAN E. CAUSEY, RONNIE PLANCHARD,  
AND ADDISON INSURANCE MARKETING, INC.

**JUDGMENT RENDERED ON JUNE 27, 2003**



Appealed from the  
Nineteenth Judicial District Court  
in and for the Parish of East Baton Rouge, State of Louisiana

Trial Court No. 461,674

Honorable Kay Bates, Judge

\* \* \* \* \*

James F. Willeford  
New Orleans, LA  
and  
Marian Livaudais  
Mandeville, LA

Attorneys for Appellants  
Plaintiffs  
Kirby J. Klein and  
Carolyn Klein Hail

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Defendant  
American Life &  
Casualty Ins. Co.

Melissa J. Richard  
Baton Rouge, LA

Attorney for Appellee  
Defendant  
American Estate Services, Inc.

Brian E. Causey

In Proper Person

Panel composed of Judges FRANK FOIL,  
PAGE McCLENDON and WILLIAM F. KLINE, JR.

Judge William F. Kline, Jr., Retired, serving Pro Tempore by special  
appointment of the Louisiana Supreme Court.

FOIL, JUDGE.

The heirs of an annuity buyer appeal from a judgment dismissing their claims against a life insurance salesman.

For the reasons set forth in our opinion in **Klein et al. v. American Life and Casualty Insurance Company et al.**, 2001 CA 2336 (La. App. 1 Cir. \_\_\_/\_\_\_/03), also decided this date, we (1) **REVERSE** the judgment insofar as it dismisses plaintiffs' claims on the grounds of preemption under La. R.S. 9:5606; and (2) **REVERSE** the judgment insofar as it dismisses plaintiffs' negligence claims on the grounds of prescription. We **REMAND** this matter to the trial court for an order directing the plaintiffs to amend their petition within a specified time period and for further proceedings consistent with this opinion. Costs of the appeal are assessed equally to the plaintiffs and to Mr. Causey.

**REVERSED IN PART AND REMANDED.**