

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

WESTERN RESERVE LIFE ASSURANCE
CO. OF OHIO,

Plaintiff,

vs.

JOSEPH CARAMADRE, RAYMOUR
RADHAKRISHNAN, ESTATE PLANNING
RESOURCES, INC., HARRISON CONDIT,
and FORTUNE FINANCIAL SERVICES,
INC.,

Defendants.

C.A. No.: 09-470-WS

TRANSAMERICA LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

JOSEPH CARAMADRE, RAYMOUR
RADHAKRISHNAN, ESTATE PLANNING
RESOURCES, INC., ESTELA RODRIGUES,
EDWARD MAGGIACOMO, JR.,
LIFEMARK SECURITIES CORP., and
PATRICK GARVEY,

Defendants.

C.A. No.: 09-471-WS

WESTERN RESERVE LIFE ASSURANCE
CO. OF OHIO,

Plaintiff,

vs.

JOSEPH CARAMADRE, RAYMOUR
RADHAKRISHNAN, ESTATE PLANNING
RESOURCES, INC., ADM ASSOCIATES,
LLC, EDWARD HANRAHAN, THE
LEADERS GROUP, INC., and CHARLES
BUCKMAN,

Defendants.

C.A. No.: 09-472-WS

WESTERN RESERVE LIFE ASSURANCE
CO. OF OHIO,

Plaintiff,

vs.

JOSEPH CARAMADRE, RAYMOUR
RADHAKRISHNAN, ESTATE PLANNING
RESOURCES, INC., DK LLC, EDWARD
HANRAHAN, THE LEADERS GROUP,
INC., and JASON VEVEIROS,

Defendants.

WESTERN RESERVE LIFE ASSURANCE
CO. OF OHIO,

Plaintiff,

vs.

JOSEPH CARAMADRE, RAYMOUR
RADHAKRISHNAN, ESTATE PLANNING
RESOURCES, INC., NATCO PRODUCTS
CORP., EDWARD HANRAHAN, and THE
LEADERS GROUP, INC.,

Defendants.

TRANSAMERICA LIFE INSURANCE
COMPANY,

Plaintiff,

vs.

LIFEMARK SECURITIES CORP., JOSEPH
CARAMADRE, RAYMOUR
RADHAKRISHNAN, ESTATE PLANNING
RESOURCES, INC. and EDWARD
MAGGIACOMO, JR.,

Defendants.

C.A. No.: 09-473-WS

C.A. No.: 09-502-WS

C.A. No. 09-549-WS

WESTERN RESERVE LIFE ASSURANCE)
COMPANY OF OHIO,)

Plaintiff,)

vs.)

JOSEPH CARAMADRE, RAYMOUR)
RADHAKRISHNAN, ESTATE PLANNING)
RESOURCES, INC., HARRISON CONDIT,)
and FORTUNE FINANCIAL SERVICES,)
INC.,)

Defendants.)

C.A. No. 09-564-WS

DEFENDANTS ADM ASSOCIATES LLC, ESTELA RODRIGUES, JOSEPH CARAMADRE, RAYMOUR RADHAKRISHNAN, ESTATE PLANNING RESOURCES, INC., AND HARRISON CONDIT’S CONSOLIDATED MOTION TO DISMISS THE NEWLY AMENDED COMPLAINTS AND REQUEST FOR RECONSIDERATION

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants ADM Associates, LLC, Estela Rodrigues, Joseph Caramadre, Raymour Radhakrishnan, Estate Planning Resources, Inc., and Harrison Condit (“Mr. Condit”) (collectively, “Defendants”) in the above-captioned matters (collectively, the “Aegon Civil Actions”)¹ hereby move to dismiss all counts that Aegon brings against them in the Aegon Civil Actions and request that the Court reconsider aspects of its previous order granting in part and denying in part Defendants’ previously filed motions to dismiss.

Defendants submit that Aegon’s newly amended complaints, filed with this Court on or about March 7, 2011, are fatally defective in failing to state claims upon which relief may be granted. The Court should dismiss Aegon’s complaints for reasons previously argued in the following filings with this Court, which Defendants incorporate by cross-reference:

¹ Defendants use the term “Aegon” because Western Reserve Life Assurance Co. of Ohio (“WRL”) and Transamerica Life Insurance Company (hereinafter collectively, “Aegon”), the plaintiff-companies that brought these civil actions are both part of the “Aegon Americas” set of companies. See <http://www.aegonins.com/>.

1. Defendants' initial memoranda and consolidated reply memorandum (filed with this Court on or about November 13, 2009; January 13, 2010; and February 22, 2010), which they filed in support of their initial motions to dismiss the above-referenced actions; and
2. Defendants' consolidated initial and reply memoranda (filed with this Court on or about October 4, 2010 and December 10, 2010, respectively), which they filed in support of their renewed motions to dismiss and requests for reconsideration following Plaintiffs' first round of major amendment to their complaints.

In addition, the Court should dismiss Aegon's newly added claims against Mr. Condit in C.A. Nos. 09-564 and 09-470 for (1) breach of contract, and (2) breach of duty of good faith and fair dealings. The Court should dismiss these newly added claims because they rest on precatory language that WRL misconstrues and that imposed no relevant obligations on Mr. Condit.

In further support, Defendants file together herewith a consolidated memorandum and exhibits.

Respectfully submitted,

DEFENDANTS JOSEPH CARAMADRE,
RAYMOUR RADHAKRISHNAN, ESTATE
PLANNING RESOURCES, INC., ADM
ASSOCIATES LLC, ESTELLA RODRIGUES,
AND HARRISON CONDIT

By their Attorneys,

/s/ Robert G. Flanders, Jr.

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DATED: March 24, 2011

CERTIFICATION

I hereby certify that on March 24, 2011, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

*/s/ Robert G. Flanders, Jr.*_____