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Attorneys for Defendant
William H. Davidson

UNITED STATES DISTRICT COURT
District of Utah, Central Division

AXIS SURPLUS INSURANCE COMPANY,

Plaintiff,

v.

ROBERT D. GERINGER; KIRBY D.
COCHRAN; ROBERT CLAWSON;
DOUGLAS W. CHILD; JEFF AUSTIN;
WILLIAM H. DAVIDSON; WILLIAM J.
WARWICK; WILLIAM GRUNDY; and
KEITH GREEN,

Defendants

Case No. 2:14-cv-00244-DAK

**ANSWER OF WILLIAM H. DAVIDSON TO
AMENDED COMPLAINT FOR
INTERPLEADER**

Judge Dale A. Kimball
Magistrate Judge Brooke C. Wells

William H. Davidson (“Defendant”), by and through his counsel of record, answer the Amended Complaint for Interpleader as follows:

1. Defendant admits the allegations in Paragraph 1, except that a Receiver for CAREIC, Trent Waddoups, filed a Chapter 11 petition on behalf of CAREIC.

2. Defendant admits the allegations in Paragraph 2.
3. Defendant admits the allegations in Paragraph 3.
4. Defendant admits the allegations in Paragraph 4.
5. Defendant admits the allegations in Paragraph 5.
6. Defendant admits the allegations in Paragraph 6.
7. Defendant admits the allegations in Paragraph 7.
8. Defendant admits the allegations in Paragraph 8.
9. Defendant admits the allegations in Paragraph 9.
10. Defendant admits the allegations in Paragraph 10.
11. Defendant admits the allegations in Paragraph 11.

12. Defendant admits he is a citizen of the State of California and was a member of the Board of Directors of CAREIC. Defendant denies he was Chairman of the Board of Directors from May 15, 2007 until November 2010.

13. Defendant admits the allegations in Paragraph 13.
14. Defendant admits the allegations in Paragraph 14.
15. Defendant admits the allegations in Paragraph 15.
16. Defendant admits the allegations in Paragraph 16.
17. Defendant admits the allegations in Paragraph 17.
18. Defendant admits the allegations in Paragraph 18.
19. Defendant admits the allegations in Paragraph 19.
20. Defendant admits the allegations in Paragraph 20.
21. Defendant admits the allegations in Paragraph 21.

22. Defendant admits that the Trustee made demands, but denies that he engaged in any wrongdoing whatsoever. Defendant lacks sufficient information or belief to answer the remaining allegations in said Paragraph, and for that reason, denies those remaining allegations.

23. Defendant admits that the Trustee provided him with a draft Complaint, but denies all allegations of wrongdoing in that draft Complaint.

24. Defendant admits that the Trustee provided them with a draft Complaint, but denies all allegations of wrongdoing in that draft Complaint.

25. Defendant admits that the Trustee sought damages in his draft Complaint, but denies all allegations of wrongdoing in that draft Complaint.

26. Defendant admits the allegations in Paragraph 26.

27. Defendant admits the allegations in Paragraph 27.

28. Defendant admits that the Trustee filed the lawsuit referenced in this Paragraph and sought the relief requested therein, but Defendant denies all allegations of wrongdoing in the lawsuit.

29. Defendant admits that the Trustee filed the adversary proceeding referenced in this Paragraph and sought the relief requested therein, but Defendant denies all allegations of wrongdoing in the lawsuit. The District Court has withdrawn the reference of this adversary proceeding to the Bankruptcy Court.

30. Defendant admits that the Trustee filed the adversary proceeding referenced in this Paragraph and sought the relief requested therein, but Defendant denies all allegations of wrongdoing in the lawsuit.

31. Defendant admits the allegation on Paragraph 31.

32. Defendant admits the allegations in Paragraph 32.

33. Defendant admits the allegations in Paragraph 33.

34. Defendant admits the allegations in Paragraph 34.

35. Defendant admits the allegations in Paragraph 35.

36. Defendant admits the allegations in Paragraph 36.

37. Defendant lacks sufficient information or belief of the allegations in Paragraph 37, and for that reason, denies each and every allegation contained therein.

38. Defendant lacks sufficient information or belief of the allegations in Paragraph 38, and for that reason, denies each and every allegation contained therein.

39. Defendant admits the allegations in Paragraph 39.

40. Defendant admits the allegations in Paragraph 40.

41. Defendant incorporates his responses to Paragraphs 1 through 40 in response to Paragraph 41.

42. Defendant lacks sufficient information or belief of the allegations in Paragraph 42, and for that

reason, denies each and every allegation contained therein.

43. Defendant lacks sufficient information or belief of the allegations in Paragraph 43, and for that reason, denies each and every allegation contained therein.

44. Defendant admits the allegations in Paragraph 44.

45. Defendant admits the allegations in Paragraph 45.

46. Defendant admits the allegations in Paragraph 46.

47. Defendant admits the allegations in Paragraph 47.

48. Defendant admits the allegations in Paragraph 48.

49. Defendant denies certain of the relief requested by AXIS, including without limitation AXIS' request for its fees and costs in bringing the action, and thus denies the allegations in Paragraph 49.

WHEREFORE, Defendant agrees to participate in the interpleader of all claims against the remaining funds held by AXIS in the CAREIC matter.

Dated: October 28, 2015

PETILLON HIRAIDE LLP

/s/ Mark T. Hiraide
Mark T. Hiraide, Esq. (*Pro Hac Vice*)
E-mail: mhiraide@hiraidelaw.com

Attorneys for Defendant William H. Davidson

CERTIFICATE OF SERVICE

I hereby certify that on this date, October 28, 2015, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF electronic filing system, which will send an electronic copy of this filing to the counsel of record.

/s/ Mark T. Hiraide